

MD CODE 1957, Art. 27, s 264A  
Code 1957, Art. 27, s 264A

MD CODE 1957, Art. 27, s 264A  
TEXT

ANNOTATED CODE OF MARYLAND  
CODE OF 1957  
ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
Gaming

s 264A "Jai Alai".

(a) Conducting **pari-mutuel betting**, etc., unlawful. -- It shall be unlawful for any person, firm, association or corporation to conduct or operate with that form of **betting** or **wagering** known as **pari-mutuel betting**, or with any similar form of **betting** or **wagering**, the **game**, contest or event commonly known as "Jai Alai", or any similar or other **game**, contest or event. This section shall prevail despite the issue of any form of license or permit granted through or by any county, municipal corporation or other political subdivision of this State. Any person, firm, association or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred dollars (\$200) or more than one thousand dollars (\$1,000) for each such violation.

(b) Effect of section on **pari-mutuel betting** under Maryland Horse Racing Act, **games** of entertainment and "slot machines". -- Nothing in this section shall be construed to apply to or affect in any manner the operation of **pari-mutuel betting** conducted pursuant to the provisions of the Maryland Horse Racing Act; and nothing in this section shall be construed to apply to or affect in any manner the operation of the **games** or devices commonly known as **bingo**, carnivals, **raffles**, bazaars, and similar **games** of entertainment, or of mechanical or electrical devices which require the insertion of a coin or token for their operation, commonly known as "slot machines", heretofore authorized and legalized within this State.

CREDIT

(1958, ch. 43; 1992, ch. 26, s 2.)

<General Materials (GM) - References, Annotations, or Tables>

MD CODE 1957, Art. 27, s 255  
Code 1957, Art. 27, s 255

MD CODE 1957, Art. 27, s 255  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
Gaming

s 255 Carnivals, bazaars, etc., in certain counties.

(a) Applicable counties. -- The provisions of this section apply in the

following counties:

- (1) Allegany County;
- (2) Anne Arundel County;
- (3) Baltimore County;
- (4) Calvert County;
- (5) Caroline County;
- (6) Carroll County;
- (7) Dorchester County;
- (8) Frederick County;
- (9) Garrett County;
- (10) Howard County;
- (11) Prince George's County;
- (12) St. Mary's County;
- (13) Somerset County;
- (14) Talbot County; and
- (15) Washington County.

(b) Generally. -- (1) This subtitle may not be construed to make it unlawful for any volunteer fire company or bona fide fraternal, civic, war veterans', religious or charitable organization or corporation to conduct or hold a carnival, bazaar, or raffle for the exclusive benefit of any such volunteer fire company or fraternal, civic, war veterans', religious or charitable organization or corporation, if no individual or group of individuals benefits financially from the holding of any bazaar, carnival, or raffle or receives or is paid any of the proceeds from any carnival, bazaar, or raffle, for personal use or benefit.

(2) The organization or corporation may award prizes in cash or in merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, bingo, or any other gaming device.

(3) However, carnivals, bazaars, or raffles shall be managed by the members of such group, organization or corporation personally through its members.

(4) In Carroll County, any bazaar, carnival, raffle, or game of bingo shall be subject to the restrictions of s 258 of this article.

(c) Exceptions in Washington County. -- (1) (i) For the purpose of subsection (b) of this section, in Washington County, "volunteer fire company" includes volunteer rescue companies.

(ii) In this paragraph, "**gaming** device" means any type of **gaming** device other than a **bingo game**, including any type of chance book, tip jar, paddle wheel, or wheel of fortune.

(iii) In Washington County, an individual, corporation, organization, or other entity may not operate a **gaming** device on premises owned by, leased to, or used as a place of business by an individual, corporation, organization, or other entity that conducts **bingo games** for profit making purposes.

(2) (i) In Washington County, subsection (b) of this section is not applicable to the operation of tip jars.

(ii) Tip jars are **regulated** under s 255C of this subheading.

(d) **Gaming** devices in St. Mary's County. -- In St. Mary's County, a volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation may conduct or hold a carnival, bazaar, or **raffle** and may operate **gaming** devices which are commonly designated as paddle wheels, wheels of fortune, chance books, **bingo**, Nevada cards, stamp machines, or any other **gaming** device, excluding slot machines as defined in s 264B of this article, if no individual or group of individuals benefits financially from the operation of the **gaming** devices, or receives or is paid any of the proceeds from

the operation of the **gaming** devices for personal use or benefit. If used on a daily basis, the number of **gaming** devices operated by a volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation is limited to five, and the premises in which the organization or corporation operates the **gaming** devices may not contain more than five **gaming** devices. All proceeds from the operation of paddle wheels, wheels of fortune, chance books, **bingo**, Nevada cards, stamp machines or any other **gaming** device shall be used solely for the legitimate charitable, benevolent, or exempt purposes of the volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation and may not be used to personally benefit any member or members. Accurate books and records of proceeds and expenditures involving gaming devices shall be kept by the organization or corporation and, upon request, shall be made available for examination to the State's Attorney for St. Mary's County, to any State Police officer, and to the Sheriff or deputy sheriff of St. Mary's County. The operation of gaming devices shall be personally managed by members of the volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation.

(e) Donation of proceeds to Charles County Fair Board. -- Repealed.

(f) Exceptions in Baltimore County. -- (1) In this subsection "bona fide civic organization" includes bona fide hunting, social, and sporting organizations.

(2) In Baltimore County, the provisions of subsection (b) of this section also apply to any bona fide:

(i) Amateur athletic organization in which all playing members are less than 18 years of age;

(ii) Veterans' hospital; or

(iii) Veterans' organization.

(3) (i) In Baltimore County, the provisions of subsection (b) of this section do not apply in **regard** to **bingo**, except that those provisions do apply in **regard** to instant **bingo**.

(ii) Except for instant **bingo**, in Baltimore County, **bingo** is governed by s 252 of this article.

(iii) In Baltimore County, notwithstanding any **regulations** to the contrary, instant **bingo** need not be offered in conjunction with other customary **bingo** games.

(4) (i) In Baltimore County, any organization which operates a carnival, bazaar, **raffle**, or **casino** event under this section shall first obtain a permit which provides that the carnival, bazaar, **raffle**, or **casino** event shall be managed personally only by the members of the organization and the permit shall not be transferable.

(ii) Only those bona fide volunteer fire, religious, fraternal, civic, veterans, veterans' hospital, amateur athletic, or charitable organizations or corporations shall be eligible for a permit under this paragraph which spend the greater part of their net proceeds from operating a carnival, bazaar, raffle, or casino event for volunteer fire, religious, fraternal, civic, veterans, veterans' hospital, amateur athletic, or charitable purposes in Baltimore County.

(5) (i) In Baltimore County, notwithstanding the provisions of subsection (b) of this section and except as provided in subparagraph (ii) of this paragraph:

1. Card games, dice games, and roulette, and any events commonly known as casino nights, are prohibited;

2. An organization that obtains a permit under paragraph (4) of this subsection may award prizes in cash or in merchandise by such devices as are

commonly designated as paddle wheels, wheels of fortune, chance books, bingo, or other gaming devices, except for card games, dice games, or roulette.

(ii) A volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation may conduct one casino event during each calendar year that involves card games or roulette games if:

1. The event is conducted in accordance with the requirements of paragraphs (1) and (3) of subsection (b) of this section;
2. No cash prizes are offered or awarded to any player in a card game or roulette game;
3. The casino event is conducted between the hours of 4:00 p.m. and 1:00 a.m.;
4. No game exceeds a \$10 limit;
5. The value of any item of merchandise used in exchange for the tokens does not exceed \$1,000 per item;
6. Merchandise that is received in exchange for the value of tokens used for

**wagering:**

- A. May not be exchanged for cash; and
- B. Must be exchanged at the fair market value of similar retail merchandise;
7. No parent, subsidiary, or affiliate of the organization or corporation sponsoring the **casino** event has sponsored a **casino** event within the preceding 12-month period; and
8. The organization or corporation conducting the **casino** event, within 60 days after holding the **casino** event, submits to the County Department of Permits and Licenses a financial report that:
  - A. Lists all receipts and expenditures made for the purpose of conducting the **casino** event; and
  - B. Has been reviewed by the county police department.

(iii) The County Department of Permits and Licenses may adopt **regulations** governing:

1. The issuance of a permit to conduct a **casino** event; and
2. The conduct and management of the **casino** event so as to prevent fraud and protect the public.

(6) In Baltimore County, any person, association or corporation knowingly operating or attempting to operate a carnival, bazaar, **raffle**, or **casino** event in violation of this section, shall upon conviction of such violation be subject to a fine not exceeding \$1,000 or imprisonment for not more than 1 year, or both.

(g) Exceptions in Howard County. -- (1) This subsection applies to Howard County.

(2) The provisions of subsection (b) of this section do not apply to bingo which is controlled by s 250 of this subtitle.

(3) In Howard County, notwithstanding the provisions of subsection (b) of this section:

(i) Card games, dice games, roulette, and any events commonly known as casino nights are prohibited; and

(ii) An organization or corporation described under subsection (b) of this section may award prizes in cash or in merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, bingo, or other gaming devices, except for card games, dice games, or roulette.

(h) Exceptions in Anne Arundel County. -- (1) (i) In this subsection the following terms have the meanings indicated.

(ii) "Bona fide member" means an individual who obtained a membership in an organization in accordance with the charter and bylaws of the organization and has been a member for at least 12 months immediately prior to the **gaming** event.

(iii) 1. "**Casino** event" means any event that involves a card **game**, dice **game**, or roulette **game**.

2. "**Casino** event" does not include a card **game** or dice **game** that is played for tokens for which no cash prizes are offered or awarded.

(2) (i) This subsection applies only in Anne Arundel County.

(ii) Any **gaming** device used at a carnival, bazaar, **raffle**, or other organized **gaming** event shall be operated without the assistance of professionals and only by bona fide members of the organization or bona fide members of other organizations permitted to operate **gaming** devices under this section.

(iii) Except for another organization operating **gaming** devices under this subsection, a person may not receive any fee or compensation from the organization for managing or operating a **gaming** device at a carnival, bazaar, **raffle**, or other organized **gaming** event.

(iv) Each organization conducting a carnival, bazaar, **raffle**, or other organized **gaming** event shall submit to the Anne Arundel County Department of Inspections and Permits a report under oath for each **gaming** event that provides, in the manner determined by the county:

1. An accounting of all funds received; and

2. A listing of the names, addresses, ages, and date of membership of all individuals who managed or operated any **gaming** device at the **gaming** event, with a statement that each of those individuals is a bona fide member of the organization.

(v) This subsection does not limit or restrict the authority of Anne Arundel County to **regulate**, license, and designate the type of amusement or **gaming** devices or **casino** events which may be operated in the county.

(vi) The provisions of this subsection do not amend or apply to the **law** pertaining to **raffles** in Anne Arundel County under s 248 of this article.

(3) (i) Except as provided in this paragraph, a person may not conduct a **casino** event in Anne Arundel County.

(ii) Subject to the requirements of this paragraph and paragraph (2) of this subsection, a volunteer fire company or bona fide fraternal, civic, war veterans', religious, amateur athletic, or charitable organization or corporation may conduct, no more than one time within a calendar year, a casino event that is limited to one or more of the following:

1. Any of the card games commonly known as blackjack or five card showdown poker; or

2. An under/over dice game.

(iii) A person may not operate or assist in operating a casino event unless the person:

1. Is a bona fide member of the organization conducting the event;

2. Is at least 21 years old; and

3. Has been an active member of the organization for at least 2 years immediately prior to the casino event.

(iv) Any player's wager in a game at a casino event may not exceed \$2 for each hand of cards or each roll of dice.

(v) A volunteer fire company or bona fide fraternal, civic, war veterans', religious, amateur athletic, or charitable organization or corporation may not hold a casino event unless it is held on premises owned, rented, or leased for the regular use or occupancy by the company, organization, or corporation.

(4) Notwithstanding paragraph (3) of this subsection, on and after October 1, 1997, a person may not conduct a casino event in Anne Arundel County.

(5) Any person, association, or corporation knowingly operating or attempting to operate a gaming event in Anne Arundel County in violation of this subsection

shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$1,000 or imprisonment for not more than 6 months, or both.

(i) Exceptions in Calvert County. -- (1) In Calvert County a volunteer fire company, or bona fide fraternal, civic, war veterans', religious or charitable organization or corporation may conduct or hold any carnival, bazaar, or gaming event in accordance with subsection (b) of this section if the County Commissioners of Calvert County grant a permit that specifies the nature of the gaming device and the frequency with which the carnival, bazaar, or gaming event shall be held.

(2) The County Commissioners shall appoint a gambling permit review committee consisting of five regular members and two alternate members.

(3) A quorum of the gambling permit review committee consists of three regular members.

(4) If fewer than three regular members are present at a meeting, the chairman of the committee may make a quorum by designating for that meeting the required number of alternate members as regular members.

(5) An alternate member may participate on the committee only as set forth in paragraph (4) of this subsection.

(6) The committee shall be responsible for promulgating regulations, subject to approval by the commissioners, pertaining to gambling activities and the issuance of permits under this subsection.

(7) The County Commissioners may charge a reasonable fee for the issuance of the permit.

(j) Exceptions in Frederick County. -- (1) In Frederick County, subsection (b) of this section also applies to:

(i) Volunteer fire, rescue, and ambulance companies and their auxiliaries; and  
(ii) Gaming devices, including chance books, tip jars, paddle wheels, wheels of fortune, or similar devices.

(2) In Frederick County, a bingo game, carnival, bazaar, raffle, or other similar event is subject to ss 249 and 258A of this article.

CREDIT

(An. Code, 1951, s 321; 1949, ch. 679, s 302C; 1951, ch. 603; 1968, ch. 345; 1969, ch. 617; 1970, chs. 123, 383; 1973, chs. 402, 438; 1975, chs. 46, 626; 1976, ch. 361; 1977, chs. 603, 746; 1980, ch. 712, s 2; 1981, chs. 282, 478; 1983, ch. 259; 1984, ch. 80; ch. 511, ss 1, 2; 1985, ch. 10, s 1; 1986, ch. 155; 1987, chs. 7, 190, 193, 194; 1988, ch. 6, s 1; 1989, chs. 198, 258, 558; 1990, chs. 464, 664; 1992, ch. 540; 1994, ch. 165, s 3; ch. 166, s 3; ch. 729; 1995, ch. 3, s 2; ch. 585; ch. 621; ch. 636; 1998, ch. 702.)

MD CODE 1957, Art. 27, s 258B

Code 1957, Art. 27, s 258B

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ARTICLE 27. CRIMES AND PUNISHMENTS.

I CRIMES AND PUNISHMENTS

#### Gaming

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Current through End of 1998 Reg. Sess.

s 258B Carnivals, fairs, **bingo** parties, **raffles**, **casino** nights, etc., in Prince George's County.

(a) Carnivals, fairs, etc. -- Any group of citizens of Prince George's County, or any company, association or corporate body, bona fide organized within Prince George's County for the promotion of the purposes of a volunteer fire department, or of any charitable, benevolent, patriotic, fraternal, educational, religious or civic object, and not organized for the private profit or gain of any member of such group, company, association or body corporate, may conduct and operate any benefit performance, such as an outdoor or indoor carnival, fair, picnic, dance, card party, bingo party, bazaar, concert, contest, exhibition, lecture, barbecue or dinner, to which the public is invited or admitted with or without charge if the net proceeds of the benefit performance inure to the group, company, association or body corporate for the promotion of and to be used for one or more of the objects hereinbefore set forth, and not for the private gain of any member of the group or organization. At a benefit performance, conducted under the conditions herein prescribed, it shall be **lawful** to award prizes in merchandise, conduct **games** of skill, to dispose of merchandise and other things of value by auction or voting or by such mechanical devices as are commonly designated as paddle wheels, wheels of fortune, **bingo**, or other similar methods, and with or without an entrance or participation charge or fee. It shall also be **lawful** to award cash prizes of not more than \$1,000 per prize. Before operating any such benefit performance, the group or organization shall first obtain from the governing body of Prince George's County or its designee a written permit. The benefit performance may be managed and operated only by members of such group or organization personally. Except as otherwise provided in this section, any person, company, association or corporation operating, or attempting to operate any such benefit performance in violation of this section, shall, upon conviction of such violation, be subject to a fine not exceeding \$1,000 or imprisonment in jail for a period of not more than 1 year, or both, in the discretion of the court.

(b) Raffles. -- Any group of citizens of Prince George's County, or any company, association or body corporate, bona fide organized within Prince George's County for the promotion of the purposes of a volunteer fire department, or of any charitable, benevolent, patriotic, fraternal, educational, religious or civic object, and not organized for the private profit or gain of any member of such group, company, association or body corporate may conduct and operate a raffle in Prince George's County. The proceeds from the raffle must inure to the company, association, body corporate or group for the promotion of, and to be used for, one or more of the purposes set forth in this subsection and no individual or group of individuals shall benefit financially from the holding of any such raffle or shall receive or be paid any of the proceeds from such raffle for personal use or benefit except as a bona fide raffle winner. The raffle shall be solely and personally conducted, managed and operated by the regular members of the organization. It shall be lawful to award prizes in cash totalling up to \$5,000 and in merchandise in any amount or the merchandise cash equivalent. Before conducting any raffle where the total cash value of the prize is in excess of \$200 the company, association, body corporate or group must first obtain from the Department of Environmental Resources for Prince George's County a written permit. Such permit shall be nontransferable and prior to issuing same the Department of Environmental Resources shall ascertain the character of the organization on whose behalf the application is made to determine if such application comes within the provisions of this section. A permit fee of \$15 for each **raffle** shall be charged.

(c) **Casino** night. -- (1) (i) In this subsection "**casino** night" means a benefit

performance at which card **games**, wheels of chance, or roulette are played and money winnings or tokens redeemable in money are awarded as prizes.

(ii) "**Casino** night" does not include a benefit performance such as a carnival, fair, or bazaar at which the only form of **gaming** is a wheel of fortune, big wheel, or other wheel of chance.

(2) Subsection (a) or subsection (b) of this section or s 255 of this subheading may not be construed to authorize **casino** nights in Prince George's County.

(3) A person who violates any provisions of this subsection or a County ordinance enacted pursuant to the provisions of this subsection is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

(d) Compensation; gratuities; violations; penalties. -- Abrogated.  
CREDIT

(1973, ch. 342; 1987, ch. 194; 1993, ch. 5, s 1; ch. 360; 1995, ch. 557, ss 1, 2; 1996, ch. 10, s 1; ch. 12.)

MD CODE 1957, Art. 27, s 237  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
Gaming

s 237 Keeping gaming table or place.

No person shall keep any gaming table, or any house, vessel or place, on land or water for the purpose of gambling.  
CREDIT

(An. Code, 1951, s 303; 1939, s 288; 1924, s 244; 1912, s 214; 1904, s 199; 1888, s 122; 1797, ch. 110; 1826, ch. 88, s 1; 1842, ch. 190, s 5; 1853, ch. 265, s 1; 1856, ch. 195, s 1.)

<General Materials (GM) - References, Annotations, or Tables>  
NOTES, REFERENCES, AND ANNOTATIONS

Cross References. -- As to **gaming** tables, see s 241 of this article.  
As to lotteries, see ss 356-370 of this article.  
As to indictments for **gambling**, see s 610 of this article.  
As to when pool or billiard tables are deemed **gambling** tables, see s 17- 504 of the Business **Regulation** Article.  
As to horse racing generally, see s 11-101 et seq. of the Business **Regulation** Article.

Repeal as to Anne Arundel County. -- Chapter 744, Acts 1943, repeals ss 237-263 of this article, insofar as they are in conflict with said chapter as to **games** of skill, etc., in the first election district of Anne Arundel County. Chapter 321, Acts 1943, repealed ss 237, 238, 241, 244 and 245 of this article insofar as said sections apply to certain licenses issued by the County Commissioners of Anne Arundel County.

History. -- In essentially the same form as they now are, the "**Gaming**" laws (ss 237-246 of this article) and the "Lottery" **laws** (ss 356-370 of this article)



have been on the books since long before the first Code, that of 1860. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Common law. -- **Gambling**, unless it became a public nuisance, and **gaming** contracts were **lawful** at common law. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Scope of lottery and **gaming laws**. -- Officials and courts in Maryland appear to have considered (a) that the lottery **laws** covered schemes for awarding a prize by lot or chance in which the only direct or personal participation by the seeker of the prize is his purchase of a ticket or its equivalent; and (b) that the **gaming laws** covered **gambling** by **games** of chance or **gaming** tables, as broadly defined (even though skill plays no part), in which the player participates personally and directly and is present when the **game** ends and the result becomes known. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Definitive distinction between **games** of chance and schemes of lottery. -- Maryland would seem always to have drawn a definitive distinction between **games** of chance and schemes of lottery. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Lottery Agency is prohibited from operating video lottery machines. -- Video lottery machines, in addition to being devices for **gambling**, are slot machines, and the Lottery Agency is prohibited from operating them under this section and s 264B of this article. 77 Op. Att'y Gen. (November 13, 1992).

It is playing of a **game** of chance which makes a **gaming** table criminal. *James v. State*, 63 Md. 242 (1885).

"**Gaming** table." -- The term "**gaming** table" is not limited to a table where "any **game** of chance shall be played for money," as set out in s 238 of this article, for that definition is not exclusive. Moreover, s 244 of this article contains the further definition that a "**gaming** table" shall include any "device(s) . . . at which money . . . shall be **bet** or **wagered**." *Brown v. State*, 210 Md. 301, 123 A.2d 324 (1956).

Slot machine which paid out only in tokens. -- Indictment for operating slot machine which paid out only in tokens or metal discs, on the ground that it was violation of ss 237-263 and former s 551 of this article, was sustained although it was stipulated that State could not prove that the tokens or metal discs were redeemed. *State v. DiGiovanni* (Cir. Ct. for Cecil County), Daily Record, Jan. 2, 1947.

Pinball machines held to be capable of use for gambling purposes in violation of ss 237-263 and former s 551 of this article. *Becraft v. Shipley* (Cir. Ct. for Carroll County), Daily Record, May 5, 1939.

Payments for free games on pinball machine. -- In prosecution for maintaining pinball machine for gambling purposes, evidence as previous payments for free games was held admissible as tending to show guilt of such offense. *Hunter v. State*, 193 Md. 596, 69 A.2d 505 (1949).

Football pool tickets held not to constitute gaming table under ss 237-263 and

former s 551 of this article. State v. Asner & Dolgoff (Crim. Ct. of Baltimore), Daily Record, Nov. 8, 1939.

Keeping of rooms for the sale of pools on horse races and the selling of such pools or tickets is not indictable under this section or s 238, s 241 or s 244 of this article. James v. State, 63 Md. 242 (1885).

Vending machine held gambling device. -- A vending machine discharging a cylinder of mint wafers on deposit of nickel and also frequently, but not invariably, metal discs the size of a nickel, varying in number from 2 to 20, was held to be gambling device. Gaither v. Cate, 156 Md. 254, 144 A. 239 (1929).

Indictment. -- Counts under this and the following sections, and counts for keeping such a common gambling house as constituted a nuisance at common law, may be joined in one indictment. An indictment may include separate offenses in separate counts where offenses are of same general character, differing only in degree. If indictment contains one good count, a general demurrer will not prevent a judgment upon such count. An indictment was held sufficient under this section and s 241 of this article. Wheeler v. State, 42 Md. 563 (1875).

Prosecution of offenses involving machines or mechanical devices. -- Offenses against the **gambling laws** involving machines or mechanical devices have always been prosecuted by Maryland State's Attorneys under the **gaming** and not the lottery **laws**. Bender v. Arundel Arena, Inc., 248 Md. 181, 236 A.2d 7 (1967).

Conviction of operating **gambling** place held not to warrant revocation of billiard license, as that was not a cause provided in ordinance for revocation. Burley v. City of Annapolis, 182 Md. 307, 34 A.2d 603 (1943).

Conviction upheld. -- Conviction for violation of ss 237-263 and former s 551 of this article on evidence secured by search warrant upheld. Frankel v. State, 178 Md. 553, 16 A.2d 93 (1940).

**Gambling** in Anne Arundel County. -- The General Assembly has always considered the forms of **gambling** it permitted to be made legal in Anne Arundel County to be **gambling games** or in the nature of a **gambling** table, within the purview of the proscriptions of the provisions of the Code grouped under the subtitle of this article entitled "**Gaming**," and has never considered those forms of **gambling** to be schemes in the nature of a lottery prohibited by or within the purview of the provisions of the Code grouped under the subtitle of this article entitled "Lotteries." Bender v. Arundel Arena, Inc., 248 Md. 181, 236 A.2d 7 (1967).

The General Assembly has repeatedly shown recognition that coin-operated **gambling** machines and commercial **bingo** have been legalized in Anne Arundel County. Bender v. Arundel Arena, Inc., 248 Md. 181, 236 A.2d 7 (1967).

County Commissioners of Allegany County authorized to impose tax on **gambling**. -- Except as provided in Md. Const., Article XI-F, s 9, the General Assembly is not prohibited from authorizing the County Commissioners of Allegany County to impose a tax on **gambling** activities. 64 Op. Att'y Gen. 296 (1979).

Cited in LaFontaine v. Wilson, 185 Md. 673, 45 A.2d 729 (1946); Southern Md. Agric. Ass'n v. Magruder, 198 Md. 274, 81 A.2d 592 (1951); United States v. 46 Gambling Devices, 138 F. Supp. 896 (D. Md. 1956); North Beach Amusement Co. v.

United States, 240 F.2d 729 (4th Cir. 1957); Miedzinski v. Landman, 218 Md. 3, 145 A.2d 220 (1958), appeal dismissed, 358 U.S. 644, 79 S. Ct. 537, 3 L. Ed. 2d 567 (1959); Silbert v. United States, 282 F. Supp. 635 (D. Md. 1968); State v. Mayes, 39 Md. App. 635, 387 A.2d 794 (1978), aff'd, 284 Md. 625, 399 A.2d 597 (1979); State v. Wyand, 304 Md. 721, 501 A.2d 43 (1985), cert. denied, 475 U.S. 1095, 106 S. Ct. 1492, 89 L. Ed. 2d 893 (1986).

Code 1957, Art. 27, s 237  
MD CODE 1957, Art. 27, s 237  
END OF DOCUMENT

MD BUS REG s 11-101  
Code, Business Regulation, s 11-101

TEXT

ANNOTATED CODE OF MARYLAND  
BUSINESS REGULATION.  
TITLE 11. HORSE RACING.

Subtitle 1. Definitions; General Provisions.

s 11-101 Definitions.

(a) In general. -- In this title the following words have the meanings indicated.

(b) Breakage. -- "Breakage" means the odd cents that remain after all successful bettors are paid to the next lowest multiple of 10 cents.

(c) Commission. -- "Commission" means the State Racing Commission.

(d) Handle. -- "Handle" means the gross amount, less refunds, of money **bet**.

(e) Harness racing. -- "Harness racing" means the racing of horses that trot or pace in harness while pulling drivers in sulkies.

(f) Intertrack **betting**. -- "Intertrack **betting**" means:

(1) **pari-mutuel betting** at a receiving track in the State on a race that is:

(i) held live or by interstate simulcast at a sending track in the State;  
and

(ii) shown simultaneously by video signal at the receiving track; and

(2) transmission of the bets at the receiving track to the sending track.

(g) License. -- "License" means a license issued by the Commission to hold a race meeting.

(h) Licensee. -- "Licensee" means a person who has been awarded racing days for the current calendar year.

(i) Mile thoroughbred racing. -- "Mile thoroughbred racing" means thoroughbred horse races at a track that is at least 1 mile long.

(j) Multiple mutuel pool. -- "Multiple mutuel pool" means a separate **pari-mutuel betting** pool in which an interest is represented by a single **bet** on 2 or more horses.

(k) Mutuel pool. -- "Mutuel pool" includes a multiple mutuel pool and a regular mutuel pool.

(l) **Pari-mutuel betting**. -- "**Pari-mutuel betting**" means the system of **betting** in which those who successfully **bet** on horses that finish in specified positions share the mutuel pool, less the takeout and the breakage.

(m) Purse. -- "Purse" means the prize money divided among the owners of horses that finish in specified positions in a race.

(n) Race meeting. -- "Race meeting" means a period of time to hold racing that

extends between specific dates over a number of racing days at a single track.

(o) Racing. -- "Racing" includes:

- (1) harness racing;
- (2) mile thoroughbred racing;
- (3) special thoroughbred racing;
- (4) steeplechase or hurdle racing;
- (5) flat racing; and
- (6) quarter horse racing.

(p) Receiving track. -- "Receiving track" means a track where **pari-mutuel betting** is done on races held at another track.

(q) Regular mutuel pool. -- "Regular mutuel pool" means a separate **pari-mutuel betting** pool in which an interest is represented by a single **bet** on 1 horse.

(r) Sending track. -- "Sending track" means a track where a race is held live or by interstate simulcast and is sent simultaneously by video signal to a receiving track or a satellite simulcast facility under Subtitle 8, Part III of this title.

(s) Special thoroughbred racing. -- "Special thoroughbred racing" means thoroughbred horse racing held by the Maryland State Fair and Agricultural Society, Inc., or the Maryland-National Capital Park and Planning Commission.

(t) Takeout. -- "Takeout" means the part of the handle that is not returned to successful bettors but is otherwise allocated under this title.

(u) Track. -- "Track" means a place where racing is held.

CREDIT

(An. Code 1957, art. 78B, ss 11, 12, 16, 16A, 17, 27, 30; 1992, ch. 4, s 2; ch. 473, s 2; 1995, ch. 590; 1997, ch. 749.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

Cross References. -- As to termination of title provisions and **regulations**, see s 11-1102 of this article.

As to **betting, wagering, gambling** and pools on horses, see Article 27, s 240.

Effect of Amendments. -- The 1997 amendment, effective June 1, 1997, reenacted (p) without change.

Editor's Note. -- This section is set forth above as amended by ch. 473, Acts 1992.

Section 4, ch. 473, Acts 1992, provides that "[s 2 of] this Act shall take effect October 1, 1992, contingent on the taking effect of Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 1992. However, if Chapter \_\_\_\_ (S.B. 1) does not become effective, then s 2 of this Act shall not take effect and shall be null and void without the necessity of further action by the General Assembly." Senate Bill 1 was enacted as ch. 4, Acts 1992.

There were two objectives to this title: the **regulating** of horseracing and the raising of revenue; thus, although its provisions specifically discuss the **regulation** of those who hold racing events, it provides little in the way of **regulation** of jockeys, trainers, and owners. *Lussier v. Maryland Racing Comm'n*, 100 Md. App. 190, 640 A.2d 259 (1994).

Article 27, s 240 not repealed by former article. -- Article 27, s 240, with **regard** to **betting, wagering** and **gambling** generally, and also with **regard** to pools on horses, etc., was not repealed by former article. The article was passed in substitution for former provisions of Article 27 with **regard** to licensing, etc., of races but was not intended to affect the provisions of s 240. Nolan v. State, 157 Md. 332, 146 A. 268 (1929); Greenfield v. Maryland Jockey Club, 190 Md. 96, 57 A.2d 335 (1948).

Exclusion of licensee from grounds of racing association. -- Even if the Maryland Racing Commission has taken no disciplinary action against a licensee, a racing association may exercise its common law property right to exclude the licensee from its grounds. The association's exclusion, however, may not be based on an unlawful criterion -- the race or gender of the licensee, for example. Furthermore, although a prediction cannot be made with confidence, given the monopolistic control of horse racing in Maryland, Maryland courts might require the association to offer a reasonable justification for an exclusion. 81 Op. Att'y Gen. (December 6, 1996).

Code, Business Regulation, s 11-101  
MD BUS REG s 11-101  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 240  
Code 1957, Art. 27, s 240

MD CODE 1957, Art. 27, s 240  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
**Gaming**

s 240 **Betting, wagering** or **gambling**; pools on horses, etc.

It shall not be **lawful** for any person or persons, or association of persons, or for any corporation within the State of Maryland, to **bet, wager, or gamble** in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within the State of Maryland, for the purpose of **betting, wagering** or **gambling** in any manner, or by any means, or making, selling or buying books or pools therein or thereon upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or argue or pretend to forward any money, **bet, wager, thing** or consideration of value, to be **bet, gambled** or **wagered** in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars, one half of said fine to go to the informer, and shall be subject to imprisonment in jail for not less than

six months nor more than one year, or be both fined and imprisoned, in the discretion of the court.  
CREDIT

(An. Code, 1951, s 306; 1939, s 291; 1924, s 247; 1912, s 217; 1904, s 202; 1890, ch. 206; 1894, ch. 232; 1898, ch. 285, s 124A; 1986, ch. 5, s 1.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

Cross References. -- As to lotteries generally, see s 356 et seq. of this article.

As to abolition of informers' fees, see Article 38, s 3.

As to horse racing generally, see s 11-101 et seq. of the Business Regulation Article.

Repeal as to Anne Arundel County. -- Chapter 744, Acts 1943, repeals ss 237-263 of this article, insofar as they are in conflict with said chapter as to games of skill, etc., in the first election district of Anne Arundel County. Chapter 321, Acts 1943, repealed ss 237, 238, 241, 244 and 245 of this article insofar as said sections apply to certain licenses issued by the County Commissioners of Anne Arundel County.

This section is valid. *Agricultural Soc'y of Montgomery County v. State*, 130 Md. 474, 101 A. 139 (1917); *Beall v. Southern Md. Agric. Ass'n*, 136 Md. 305, 110 A. 502 (1920).

Section not repealed by Article 78B. -- Former Article 78B of the Code creating the Racing Commission and dealing with horse racing generally (now see s 11-101 et seq. of the Business Regulation Article) was passed in substitution for former ss 307-310 of this article, which sections are now repealed. It was not the intention of the General Assembly in its passage of Article 78B to repeal this section. *Nolan v. State*, 157 Md. 332, 146 A. 268 (1929); *Greenfield v. Maryland Jockey Club*, 190 Md. 96, 57 A.2d 335 (1948).

Purpose of section. -- In *James v. State*, 63 Md. 242 (1885), a conviction under the gaming statutes for keeping a gaming table, or a room for gambling, wherein pools were sold on horse races, was reversed, but the court was divided as to the grounds. Subsequently, this section was enacted to cover the case specifically. *Brown v. State*, 210 Md. 301, 123 A.2d 324 (1956).

And scope. -- The General Assembly intended this section to apply to the whole State, except as to counties expressly excepted. *Beall v. Southern Md. Agric. Ass'n*, 136 Md. 305, 110 A. 502 (1920).

As to applicability of this section in Prince George's County, see *Beall v. Southern Md. Agric. Ass'n*, 136 Md. 305, 110 A. 502 (1920).

As to applicability of this section in Washington County, see *O'Connell v. State*, 159 Md. 376, 150 A. 735 (1930); *Miggins v. Mallott*, 169 Md. 435, 182 A. 333 (1936).

The local antigambling statute applicable to Cecil County having been repealed, and s 310 of Article 27, 1951 Code, exempting Cecil County from the State antigambling law, having also been repealed, bookmaking in Cecil County is

not exempt from the prohibitions and penalties provided by this section. Gibson v. State, 204 Md. 423, 104 A.2d 800 (1954); Alagia v. State, 204 Md. 573, 105 A.2d 248 (1954).

Separate offenses stated in section. -- The making, buying and selling of books or pools on races and the keeping, using and occupying a certain house, building, grounds or place for such purposes are separate offenses under the provisions of this section. Thus, an indictment charging defendant with keeping a place specified therein for making, selling, etc., pools upon any race, etc., was held not defective because it failed to state that he operated the place for that purpose. Stearns v. State, 81 Md. 341, 32 A. 282 (1895); Miggins v. State, 170 Md. 454, 184 A. 911 (1936).

This section creates four separate offenses. Handy v. State, 23 Md. App. 239, 326 A.2d 189 (1974).

This section applies to those who knowingly permit property owned by them to be used for the selling of books or pools on result of racing, as well as to those who actually engage in such business. Rowan v. State, 175 Md. 547, 3 A.2d 753 (1939).

Knowledge required. -- On their face this section and s 361 of this article require that to be guilty a person must know that his premises are being used for illegal purposes. Propst v. State, 5 Md. App. 36, 245 A.2d 88 (1968), cert. denied, 252 Md. 731, 732 (1969).

Accessories as principals. -- Rule that in a misdemeanor all accessories are principals and may be charged and tried alone, as such, applied to prosecution under this section, for **gambling** and making book on horse races by a runner or pick-up man. Novak v. State, 214 Md. 472, 136 A.2d 256 (1957).

Aiding and abetting violations of the bookmaking **laws** as prohibited by this section is not an independent crime in this jurisdiction because the State of Maryland follows the common **law** that all participants in misdemeanors are principals. Handy v. State, 23 Md. App. 239, 326 A.2d 189 (1974).

Place of violation. -- Defendant was properly convicted in Baltimore City of accepting **bets** on races where he rented room in Anne Arundel County and made **bets** by telephone from there. Part of the illegal enterprise was in Baltimore City and conviction there was affirmed. Meade v. State, 198 Md. 489, 84 A.2d 892 (1951).

Football pool tickets held to be violation of this section, as is the making of a book or pool on outcome of contest. State v. Asner & Dolgoff (Crim. Ct. of Baltimore), Daily Record, Nov. 8, 1939.

State is not confined in its proof to the date named in the warrant and bill of particulars, but may show acts performed during the statutory period preceding the indictment. Novak v. State, 214 Md. 472, 136 A.2d 256 (1957).

Admissibility of evidence. -- Evidence secured over tapped telephone wires as to violation of this section held admissible but only if accused is identified as a party to such telephone conversation. Rowan v. State, Daily Record, Jan. 27, 1939.

In prosecution for accepting bets on horse races, testimony of officer that accused gave him telephone number of booking establishment where "call-in bets"

could be placed and wrote the number on envelope himself, held to be admissible as part of chain of testimony proving charge and as being relevant to offense charged. *Colie v. State*, 193 Md. 608, 69 A.2d 497 (1949).

In prosecution for accepting bet on horse race, denial of motion for mistrial as testimony of police officer that defendant had stated he used to be in numbers business was not in error, in view of court's instruction to jury to disregard such testimony as irrelevant. *Hunter v. State*, 193 Md. 596, 69 A.2d 505 (1949).

Evidence held insufficient to show violation of this section in presence of officer authorizing arrest without warrant. Thus evidence obtained by subsequent search of person of defendant was not admissible against him. *Le Faivre v. State*, 208 Md. 71, 118 A.2d 639 (1955).

When an officer without a warrant arrests a person for a misdemeanor, gambling paraphernalia seized from him following the arrest cannot be taken into consideration in determining whether the accused was committing a misdemeanor in the presence or view of the officer. *Davids v. State*, 208 Md. 377, 118 A.2d 636 (1955).

Illegal search and seizure. -- Conviction for violation of this section based on illegal search and seizure reversed. *Miller v. State*, 174 Md. 362, 198 A. 710 (1938).

Evidence sufficient to support conviction. -- Evidence that runner had collected a **bet** on a horse race which had already been run was sufficient to convict runner as a participant in **gambling** where runner was charged with **gambling** and bookmaking as well as with forwarding of **gambling** money. *Novak v. State*, 214 Md. 472, 136 A.2d 256 (1957).

Evidence was sufficient to sustain convictions of violating the **gambling laws** by making and selling a book or pool on the result of horse races, and by unlawfully receiving money to be **bet** on horse races. *Curley v. State*, 215 Md. 382, 137 A.2d 640 (1958).

There was sufficient evidence to sustain defendants' convictions for unlawfully maintaining premises for the purpose of selling lottery tickets and (in the case of one defendant) for unlawfully gambling on the results of horse races, where police officers, upon executing a warrant authorizing the search of defendants' premises, discovered defendants in an upstairs bedroom with an adding machine and also found on the premises two telephones with separate numbers, two pads of water-soluble paper beside the telephones, an intercom device, assorted scratch sheets, and approximately \$3600 in United States currency. *Dawson v. State*, 11 Md. App. 694, 276 A.2d 680, cert. denied, 263 Md. 711, 712 (1971).

Evidence insufficient to support conviction. -- See *Cockey v. State*, 243 Md. 322, 221 A.2d 79 (1966).

Applied in *Baum v. State*, 163 Md. 153, 161 A. 244 (1932); *Allen v. State*, 178 Md. 269, 13 A.2d 352 (1940); *Hill v. State*, 190 Md. 698, 59 A.2d 630 (1948); *Kates v. State*, 13 Md. App. 688, 284 A.2d 651 (1971); *Taylor v. State*, 17 Md. App. 536, 302 A.2d 646 (1973).

Stated in *Cuffia v. State*, 14 Md. App. 521, 287 A.2d 319 (1972).

Cited in *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940); *Frankel v. State*,



178 Md. 553, 16 A.2d 93 (1940); Mazer v. State, 179 Md. 293, 18 A.2d 217 (1941); Hubin v. State, 180 Md. 279, 23 A.2d 706, cert. denied, 316 U.S. 680, 62 S. Ct. 1107, 86 L. Ed. 1753 (1942); Foreman v. State, 182 Md. 415, 35 A.2d 171 (1943); Davis v. State, 189 Md. 269, 55 A.2d 702 (1947); Fischer v. State, 195 Md. 477, 74 A.2d 34 (1950); Carpenter v. State, 206 Md. 31, 88 A.2d 180 (1954); United States v. Askins, 351 F. Supp. 408 (D. Md. 1972); State v. Denisio, 21 Md. App. 159, 318 A.2d 559 (1974); In re United States, 563 F.2d 637 (4th Cir. 1977); State v. Mayes, 39 Md. App. 635, 387 A.2d 794 (1978), aff'd, 284 Md. 625, 399 A.2d 597 (1979); Ward v. State, 40 Md. App. 410, 392 A.2d 559 (1978); Office of Fin. v. Previti, 296 Md. 512, 463 A.2d 842 (1983).

Code 1957, Art. 27, s 240

MD CODE 1957, Art. 27, s 240

END OF DOCUMENT

MD CODE 1957, Art. 27, s 255A

Code 1957, Art. 27, s 255A

MD CODE 1957, Art. 27, s 255A

TEXT

## ARTICLE 27. CRIMES AND PUNISHMENTS.

### I CRIMES AND PUNISHMENTS

#### Gaming

s 255A **Bingo** in Dorchester County.

(a) License authorized; organizations eligible. -- Notwithstanding any other provisions of this subtitle, the clerk of the court of Dorchester County may issue licenses allowing conduct of **games of bingo** in addition to those **games of bingo** which may be held in connection with a carnival, bazaar, or **raffle**. Organizations eligible for **bingo** licenses are as follows:

(1) A tax-supported volunteer fire company or auxiliary unit of which the members thereof are directly associated with that fire company.

(2) A nationally chartered veterans' organization or auxiliary unit of which the members thereof are directly associated with that organization.

(3) A bona fide religious group which has conducted religious services at a fixed location in Dorchester County for a period of at least three years prior to the application to the clerk of the court.

(4) A nonprofit organization desiring to raise money for an exclusively charitable, athletic or educational purpose specifically described in the application to the clerk of the court. To qualify such organization must have been operating in Dorchester County for a period of at least three years prior to the application to the clerk of the court.

(b) Application for license. -- The application to the clerk of the court for the issuance of the license shall contain a certification by one of the principal officers of the organization stating the following:

(1) The time and place of the activities for which the license is sought.

(2) That the **bingo games** for which the license is sought will be solely and personally conducted, managed and operated by the regular members of the organization without the assistance of professionals and that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting, or assisting in the holding, operating or conducting of the **games**.

(c) License fees. -- The clerk of the court shall charge a license fee of one

dollar for issuance of each **bingo** license and/or an annual fee of \$25 for issuance of a yearly permit. A license fee of five dollars shall be charged for each **raffle** and carnival license. No permit issued under this section shall authorize the conduct of any **games** or carnival on Sunday. A license shall be required for each day a **bingo game** is operated, unless such **bingo game** is held in a duly licensed carnival.

(d) Minors. -- No minor under the age of 16 years shall be allowed to play, conduct or operate any **game** of **bingo** for which a permit is issued under this section.

(e) Slot machines. -- Nothing herein shall be construed to authorize slot machines or any type of coin machines to be used for **gambling** purposes.

(f) Enforcement. -- The several bailiffs, municipal police officers and all other prosecuting and peace officers of Dorchester County shall be strictly charged with the enforcement of this section.

CREDIT

(1974, ch. 591.)

MD CODE 1957, Art. 27, s 258

TEXT

#### ARTICLE 27. CRIMES AND PUNISHMENTS.

##### I CRIMES AND PUNISHMENTS

##### **Gaming**

s 258 Carnivals, bazaars, etc., in Carroll County.

(a) Operation of carnivals, etc., by certain organizations not prohibited; prizes; permit required. -- (1) Nothing in this subtitle may be construed to make it unlawful for any bona fide religious, fraternal, civic, war veterans', hospital, amateur athletic or charitable organization or volunteer fire company of Carroll County to conduct or hold a carnival, bazaar, **raffle**, or **game** of **bingo** or other **game** of entertainment for the benefit of any religious, fraternal, civic, war veterans', hospital, amateur athletic or charitable organization or volunteer fire company, or corporation, provided that no individual or group of individuals shall benefit financially from the holding of any such bazaar, carnival, **raffle**, or **game** or shall receive or be paid any of the proceeds from any such carnival, bazaar, **raffle** or **game** for personal use or benefit. At the carnival, bazaar or **game**, it is **lawful** to award prizes to any individual in cash or merchandise up to \$100 in any one **game**.

(2) (i) 1. In this paragraph the following words have the meanings indicated.

2. "Multi-drawing **raffle**" means a **raffle** for which the drawings are held on more than 1 day.

3. "**Raffle**" means 1 or more drawings from a single series of chances sold by means of chance books or similar devices, at which 1 or more prizes are awarded.

4. "Single-drawing **raffle**" means a **raffle** for which the drawings are held on a single day.

(ii) At the carnival, bazaar, **raffle** or **game**, it is **lawful** to award prizes to any individual in cash or merchandise in a **raffle** by means of chance books.

(iii) 1. There shall be only 1 major prize in a single-drawing **raffle**.

2. During a year, an organization may not hold more than:

A. 1 single-drawing **raffle** in which the major prize is valued at \$2,500 or more; or

B. 5 single-drawing **raffles** in which the major prize is valued at less than \$2,500.

(iv) An organization may not hold:

1. More than 30 weekly drawings in a multi-drawing **raffle**;
2. More than 2 multi-drawing **raffles** during a year;
3. A multi-drawing **raffle** in which the major prize is valued at over \$1,100.

(v) Before any carnival, bazaar, **raffle** or **game** may be operated such group shall first obtain a permit from the County Commissioners of Carroll County, which permit shall provide that the carnival, bazaar, **raffle** or **game** shall be managed and operated only by members of the group and the permit may not be transferable.

(b) Prohibited **games**. -- (1) Notwithstanding the provisions of subsection (a) of this section, card **games**, dice **games**, roulette, and any events commonly known as **Casino Nights** are prohibited.

(2) An organization or corporation described in subsection (a) of this section may award prizes in cash or merchandise by **gaming** devices other than card **games**, dice **games**, or roulette.

(c) Investigation prior to issuance of permit; application, etc., a public record; operation on Sunday not authorized. -- Before the County Commissioners of Carroll County shall issue a permit to any organizations, it is their duty to ascertain the character of the organization on whose behalf the application is made to determine if the application comes within the provisions of this section. The application and the action taken thereon by the County Commissioners of Carroll County is a public record. The permit may not authorize the operation of any carnival, bazaar, **raffle**, or **game** after 1 a.m. on Sunday.

(d) Penalty for operation of carnival, etc., in violation of section. -- Any person, association or corporation knowingly operating or attempting to operate a carnival, bazaar, **raffle**, or **game** as authorized by this section in violation thereof, shall upon conviction thereof, be subject to a fine not exceeding \$1,000, or imprisonment for not more than one year, or both in the discretion of the court.

(e) Paddle-wheel **games**. -- Notwithstanding any provision of this section, in Carroll County, it is **lawful** at any carnival, bazaar or **raffle** authorized by this section to award prizes in cash totaling up to \$10 to any one person and in merchandise totaling up to \$250 to any one person in any one **game** or spin by devices that are commonly known as paddle wheels or wheels of fortune. An organization may not hold more than ten days of paddle-wheel **games** in any one calendar year.

CREDIT

(An. Code, 1951, s 323; 1950, ch. 88, s 302 3/4; 1963, ch. 409; 1974, ch. 529; 1975, ch. 219; 1989, ch. 5, s 1; chs. 85, 258; 1991, ch. 400.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

Maryland Law Review. -- For article, "Survey of Developments in Maryland Law, 1986-87," see 47 Md. L. Rev. 739 (1988).

Cited in *Kramer v. Bally's Park Place*, 311 Md. 387, 535 A.2d 466 (1988).

Code 1957, Art. 27, s 258

ARTICLE 27. CRIMES AND PUNISHMENTS.

I CRIMES AND PUNISHMENTS

**Gaming**

s 254 Carnivals, **raffles** and **bingo** in Harford County.

(a) Definitions. -- (1) In this section, the following words have the meanings indicated.

(2) "**Bingo**" includes the **game** of instant **bingo** and does not include members only instant **bingo**.

(3) "Members only instant **bingo**" means a **game** of instant **bingo** limited to members and guests of an organization listed in subsection (b) of this section.

(b) Issuance of licenses in Harford County. -- Notwithstanding the provisions of this subtitle, the Sheriff of Harford County may issue a license to the following organizations to conduct games of bingo, members only instant bingo, a raffle, or operate paddle wheels:

(1) A tax-supported volunteer fire company.

(2) A State chartered organization authorized by a nationally chartered veterans organization.

(3) A bona fide religious group which has conducted religious services at a fixed location in Harford County for a period of at least three years prior to the application to the Sheriff.

(4) A nonprofit organization desiring to raise money for an exclusively charitable, athletic or educational purpose specifically described in the application to the Sheriff.

(c) Application for license. -- The application to the Sheriff for the issuance of this license shall contain a certification by one of the principal officers of the organization stating the following:

(1) The time and place of the activities for which the license is sought.

(2) That the activities for which the license is sought will be solely and personally conducted, managed, and operated by the regular members of the organization without the assistance of professionals.

(3) (i) That no cash prizes greater than \$10 for a paddle wheel, \$1,000 for a **raffle** and \$50 for a **bingo** or members only instant **bingo game** are to be offered, except a "jackpot" in the maximum amount of \$1,000 directly connected with **bingo games**; or

(ii) That the organization has not held a **raffle** for a cash prize of over \$1,000 in the current calendar year, and that no cash prizes greater than \$10,000 are to be offered for this **raffle**.

(4) That the applicant, by one of its principal officers, will, within 15 days after the last day named in the application for the conducting of the licensed activities, file a report under penalties of perjury certifying the following facts:

(i) That the authorized activities were conducted at the time and place stated in the application by the regular members of the organization personally without the assistance of professionals, and that the member or members conducting such activities do not regularly conduct any such activities for any other organization;

(ii) That no cash prizes were offered, except as authorized in subsection (c) (3) of this section; and

(iii) The amount and disposition of the cash proceeds of the licensed activities.

(d) Conditions of issuance. -- The license shall be issued under the following

conditions:

(1) The Sheriff shall charge a license fee of \$5 for the issuance of each **bingo** license, a license fee of \$10 for each paddle wheel license and each **raffle** license, and a license fee of \$15 for a members only instant **bingo** license. The members only instant **bingo** license shall be valid for a period of 3 months.

(2) Upon request and authorization, a license to operate paddle wheels also shall operate as a license to conduct **bingo games**.

(3) (i) The Sheriff may not issue to a single organization within 1 calendar year more than 52 licenses for **bingo games**, 12 licenses for **raffles**, only one of which may be for a **raffle** with a cash prize of over \$1,000, 12 licenses for paddle wheels, and 4 licenses for members only instant **bingo**.

(ii) Except as provided in paragraph (4) of this subsection, not more than one **bingo** license or paddle wheel license shall be issued to a single organization in a single calendar week.

(4) Licenses issued under this section to operate paddle wheels or to conduct **bingo games** shall be valid for a period of 24 consecutive hours. However, if the license is issued for use in conjunction with and at the location of a carnival, it shall be valid during carnival hours and for the duration of the carnival, but in no event for longer than 14 consecutive days.

(5) A license to conduct a raffle shall be valid until the time of the drawing or drawings. All drawings for a raffle shall be conducted within 1 calendar day; the day for the drawing or drawings shall be specified on the application for the license and on the license.

(6) An organization that conducts a raffle for a cash prize greater than \$1,000 shall:

(i) Post a bond in the amount of the cash prize offered; or

(ii) Obtain an irrevocable letter of credit from a bank in the amount of the cash prize offered.

(e) Game of 50/50. -- (1) For the purposes of this subsection "game of 50/50" means a drawing from a finite number of chances in which the proceeds from the sale of chances are split evenly between the winner and the organization conducting the game.

(2) Any organization listed in subsection (b) of this section may conduct games of 50/50 without a license.

(3) The cash prize in a game of 50/50 authorized by this subsection may not exceed \$50.

(4) A game of 50/50 may not be conducted by an organization listed in subsection (b) of this section at other than a meeting of the organization.

(5) A minor may not participate in a game of 50/50.

(f) Specific conditions for instant bingo. -- As to instant bingo and members only instant bingo licenses, the following specific conditions apply:

(1) Instant bingo and members only instant bingo may only be sold or played at the location listed on the license; and

(2) A person under the age of 18 years may not sell or play instant bingo.

(g) Filing of report. -- Any organization which fails to file a proper report as required by this section shall forfeit its right to the issuance of any license authorized by this section for a period of 1 year from the date the report is due, and until the required report is filed properly.

(h) Construction of section; penalty; separate offenses. -- This section may not be construed to authorize slot machines or any type of coin machines to be used for **gambling** purposes.

(1) Any organization which operates a **bingo**, members only instant **bingo**,

**raffle** or paddle wheel but which has not acquired the proper license, or any organization and any person who signed an application for a license but failed to adhere to the terms of the grant of the license, or any organization and any person who failed to file the proper report as required by this section is guilty of a misdemeanor and shall be fined not more than \$1,000 or sentenced to jail for not more than 30 days, or both.

(2) Each day that a **raffle, bingo game**, members only instant **bingo** or paddle wheel is operated without a proper license or in violation of any of the terms of the grant of the license shall constitute a separate offense.

(i) Additional penalty. -- An organization that is found to have violated any gambling law of this State may not be issued any license under this section for 1 month from the date of conviction.

(j) Enforcement. -- The Sheriff of Harford County, municipal police within Harford County, and peace officers of Harford County shall enforce this section.  
CREDIT

(1955, ch. 426; 1957, ch. 768; 1959, chs. 473, 620; 1972, ch. 652; 1973, ch. 332; 1977, ch. 549; 1978, chs. 564, 968; 1979, ch. 635; 1980, ch. 712, s 2; 1983, ch. 267; 1984, chs. 244, 245, 255, 559; 1985, ch. 10, s 1; 1986, ch. 5, s 1; ch. 386; 1988, ch. 6, s 1.)

<General Materials (GM) - References, Annotations, or Tables>  
NOTES, REFERENCES, AND ANNOTATIONS

Bingo is not a lottery. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Code 1957, Art. 27, s 254

ARTICLE 27. CRIMES AND PUNISHMENTS.

I CRIMES AND PUNISHMENTS

**Gaming**

s 255B **Bingo** or **raffles** in Montgomery County.

(a) Organizations eligible for licenses. -- (1) Notwithstanding the provisions of this subtitle, a bona fide nonprofit organization, that is qualified under s 501 (c) (3), (4), (7), or (10) of the Internal Revenue Code, Title 26, of the United States Annotated Code, may operate the **game** of **bingo** and conduct **raffles** in Montgomery County for the benefit of charity or in furtherance of the purpose of the nonprofit organization. Nonprofit organizations include:

- (i) A volunteer fire company;
- (ii) A volunteer rescue squad;
- (iii) A fraternal, religious, patriotic, or educational organization or corporation; or
- (iv) A charitable organization or corporation.

(2) A nonprofit organization that operates the **game** of **bingo** or conducts a **raffle** in Montgomery County:

- (i) Shall be located in Montgomery County; and
  - (ii) If operating the **game** of **bingo**, shall be licensed by Montgomery County.
- (3) (i) All such **games** of **bingo** or **raffles** shall be conducted only by the nonprofit organization and not by any other person, or legal or business entity which operates the **game** and retains any portion of the sales or profits or is paid any fee or compensation by the nonprofit organization for which the **bingo game** or **raffle** is being held.

(ii) The proceeds from the **game of bingo** or the **raffle** may not be used for the private profit or gain of any person, or legal or business entity.

(4) (i) The nonprofit organization that conducts a **raffle** or operates a **game of bingo** shall keep accurate books and records of all transactions occurring on behalf of the **raffle** or **game of bingo**.

(ii) The books and records shall be kept available for examination for 2 years following the **game of bingo** or **raffle** that is recorded, and on request, shall be made available for examination by:

1. The Montgomery County State's Attorney;
2. The Montgomery County Sheriff;
3. The Montgomery County Department of Health and Human Services;
4. The county attorney for Montgomery County;
5. The Department of State Police; or
6. Any designated officer or agent of the State and local government offices and agencies enumerated in this subparagraph.

(b) Bingo licenses; alcoholic beverages; cash prizes; breakout tickets. --

(1) An individual operating the game of bingo shall be a resident of Montgomery County and a member of the nonprofit organization.

(2) The nonprofit organization desiring to conduct a game of bingo in Montgomery County shall first secure a bingo license from Montgomery County. License application shall be made on forms provided by Montgomery County and shall disclose the following information with respect to the nonprofit organization:

(i) The name of the nonprofit organization and a list of the names and addresses of its officers and directors;

(ii) A full and complete statement of the purposes and objectives of the nonprofit organization and the purposes for which the proceeds from the bingo operation will be used;

(iii) A statement under affidavit by the president and treasurer of the nonprofit organization, or by its chief executive and fiscal officer that 1. no agreement exists for the diversion of any portion of the proceeds of the **bingo** operation to any other person, or legal or business entity and 2. no person, or legal or business entity shall receive any portion of the proceeds of the **bingo** operation except in furtherance of the purpose of the nonprofit organization; and

(iv) Any additional information Montgomery County may require.

(3) An annual **bingo** license for the operation of the **game of bingo** known as an "annual **bingo** license" shall authorize the holder to operate a **game of bingo** at a specified fixed location at any time during the year for which the license is issued but not to exceed twice in any one week. The applicant shall pay an annual license fee as determined by Montgomery County.

(4) A temporary license for the operation of the game of bingo known as a "ten-day bingo license" shall authorize the holder to operate the game of bingo at a specified fixed location for not more than ten days in any one year. The applicant is limited to one license per calendar year. The applicant shall pay a license fee as determined by Montgomery County.

(5) A one-day license for the operation of the game of bingo known as a "one-day bingo license" shall authorize the holder to operate the game of bingo at a specified fixed location for not more than one day. The applicant shall pay a license fee to be determined by Montgomery County. An applicant may not be granted more than three one-day licenses in any calendar year.

(6) Alcoholic beverages may not be sold or consumed in the room in which a **bingo game** is being held, either during the **game** or during any intermission

between **games**.

(7) Montgomery County shall adopt **regulations** for the conduct of the **game** of **bingo** and establish license fees based upon the administrative costs of **regulation** and issuance of each class of license in Montgomery County. The hours of operation and additional **regulations** deemed necessary for the proper conduct of the **game** shall be established.

(8) Cash prizes, not to exceed \$500 per **game**, may be awarded in any **game**.

(9) Montgomery County is authorized after public hearing to revoke the license of any holder for failure to comply with provisions of this section or of any **regulations** adopted pursuant to this section.

(10) Breakout tickets, which for the purposes of this section shall include the **games** of instant **bingo**, Nevada club, lucky seven, and any other similar type **game**, may be sold by the operator in the room in which the **bingo game** is being held, either during the **game** or during an intermission between **games**.

(c) **Bingo** at Montgomery County Fair. -- (1) Notwithstanding any of the other provisions of this section, a person, partnership, corporation, association, organization, or other legal or business entity may conduct **games** of **bingo** for the Montgomery County Agricultural Center, Inc. at the annual Montgomery County Fair.

(2) Only noncash prizes may be awarded at **games** of **bingo** for the Montgomery County Agricultural Center, Inc. at the annual Montgomery County Fair.

(d) **Raffles**. -- (1) An individual operating the **raffle** shall be a resident of Montgomery County and a member of the nonprofit organization.

(2) The nonprofit organization desiring to conduct a **raffle** in Montgomery County shall first secure a **raffle** permit from Montgomery County. Permit application shall be made on forms provided by Montgomery County and shall disclose the following information with respect to the nonprofit organization:

(i) The name of the nonprofit organization and a list of the names and addresses of its officers and directors;

(ii) A full and complete statement of the purposes and objectives of the nonprofit organization and the purposes for which the proceeds from the raffle will be used;

(iii) A statement under affidavit by the president and treasurer of the nonprofit organization, or by its chief executive and fiscal officer, that:

1. An agreement does not exist for the diversion of any portion of the proceeds of the raffle to any other person, or legal or business entity; and

2. No person, or legal or business entity shall receive any portion of the proceeds of the raffle except in furtherance of the purpose of the nonprofit organization;

(iv) In the case of a raffle of real property, pursuant to s 236 of this article, a copy of the disclosure statement filed with the Secretary of State shall be furnished with the permit application; and

(v) Any additional information Montgomery County may require.

(3) Cash prizes or merchandise may be awarded as a prize for any raffle conducted under this section.

(4) Montgomery County may adopt regulations necessary for the conduct of raffles.

(5) For raffles of real property, the requirements of this section are in addition to any requirements imposed by s 236 of this article.

(6) A nonprofit organization may not conduct more than 12 raffles per year.

(7) After a public hearing, Montgomery County may revoke the permit of any holder for failure to comply with provisions of this section or of any regulations adopted by the county pursuant to this section.



(8) Notwithstanding any other provision of this section, a nonprofit organization may conduct 50/50 raffles without limitation so long as the prize per raffle does not exceed the sum of \$300. A permit is not required to conduct a 50/50 raffle.

(e) Violations. -- Any person, or legal or business entity, including any nonprofit organization, that violates any of the provisions of this section or any regulation adopted by Montgomery County under the authority granted under this section is guilty of a misdemeanor, and on conviction is subject to a term of imprisonment of not more than 1 year, or a fine of \$1,000, or both.  
CREDIT

(1978, ch. 1012; 1979, ch. 613; 1980, ch. 515; 1981, ch. 210; 1983, ch. 241; 1985, ch. 374; 1994, ch. 165, s 3; ch. 166, s 3; 1995, ch. 3, s 2; 1996, ch. 476.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

Effect of Amendments. -- The 1995 amendment, approved Mar. 7, 1995, and effective from date of enactment, substituted "Department of State Police" for "Maryland State Police" in (a) (4) (ii) 5.

The 1996 amendment, effective Oct. 1, 1996, substituted "Department of Health and Human Services" for "Department of Health" in (a) (4) (ii) 3.

Cited in Kramer v. Bally's Park Place, 311 Md. 387, 535 A.2d 466 (1988).

Code 1957, Art. 27, s 255B  
MD CODE 1957, Art. 27, s 255B  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 241  
Code 1957, Art. 27, s 241

MD CODE 1957, Art. 27, s 241  
TEXT

#### ARTICLE 27. CRIMES AND PUNISHMENTS.

##### I CRIMES AND PUNISHMENTS

##### **Gaming**

s 241 Keeping, etc., **gaming** table or place.

Any person who shall keep any **gaming** table or other place of **gambling** in this State, or who shall deal at any such **gaming** table or other place for **gambling** in this State, or who shall in any way manage such **gaming** table or other place for **gambling** in this State, or who shall have any interest in any **gaming** table or the profits thereof, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year.  
CREDIT

(An. Code, 1951, s 311; 1939, s 296; 1924, s 252; 1912, s 222; 1904, s 208; 1888, s 125; 1829, ch. 136; 1842, ch. 190, s 1; 1853, ch. 265, s 1; 1856, ch.

195, s 1; 1880, ch. 149; 1882, ch. 271.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

Cross References. -- See s 237 of this article.

As to abolition of informers' fees, see Article 38, s 3.

Repeal as to Anne Arundel County. -- Chapter 744, Acts 1943, repeals ss 237-263 of this article, insofar as they are in conflict with said chapter as to **games** of skill, etc., in the first election district of Anne Arundel County. Chapter 321, Acts 1943, repealed ss 237, 238, 241, 244 and 245 of this article insofar as said sections apply to certain licenses issued by the County Commissioners of Anne Arundel County.

Section not limited to devices depending on chance rather than skill. -- Construing the statutes liberally, there is no reason to confine the application of this section to those devices that depend upon chance, as distinguished from skill. In its broader aspects, playing any **game** for money is **gaming**. Brown v. State, 210 Md. 301, 123 A.2d 324 (1956).

The statutory term "**gaming** table or other place of **gambling**" is not in terms limited to a table where "any **game** of chance shall be played for money," as set out in s 238 of this article, for that definition is not exclusive. Moreover, s 244 of this article contains the further definition that a "**gaming** table" shall include any "device(s) . . . at which money . . . shall be **bet** or **wagered**." Brown v. State, 210 Md. 301, 123 A.2d 324 (1956).

If a pinball machine is not a **gambling** device per se, it may become one when it is shown that it is in fact put to such use. Brown v. State, 210 Md. 301, 123 A.2d 324 (1956).

The insertion of the money and the operation of a pinball machine by the player in the hope of winning a monetary reward in varying amounts constitutes a **bet** or **wager**, regardless of the element of skill. Brown v. State, 210 Md. 301, 123 A.2d 324 (1956).

Keeping of rooms for sale of pools on horse races and the selling of such pools or tickets is not indictable under this section or ss 237, 238 and 244 of this article. It is the playing of a **game** of chance which makes a **gaming** table criminal. James v. State, 63 Md. 242 (1885). But see s 240 et seq.

Cited in LaFontaine v. Wilson, 185 Md. 673, 45 A.2d 729 (1946); Miedzinski v. Landman, 218 Md. 3, 145 A.2d 220 (1958), appeal dismissed, 358 U.S. 644, 79 S. Ct. 537, 3 L. Ed. 2d 567 (1959); State v. Mayes, 39 Md. App. 635, 387 A.2d 794 (1978), aff'd, 284 Md. 625, 399 A.2d 597 (1979).

Code 1957, Art. 27, s 241

MD CODE 1957, Art. 27, s 241

END OF DOCUMENT

MD CODE 1957, Art. 27, s 246A

Code 1957, Art. 27, s 246A

MD CODE 1957, Art. 27, s 246A  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS

**Gaming**

s 246A **Gambling** or permitting **gambling** on vessels, piers, wharves, etc.

(a) Prohibited; penalty. -- Except as provided in s 6-209 of the Transportation Article, it shall be unlawful for any person, firm, association or corporation to **bet, wager** or **gamble** at or to keep, conduct, maintain or operate any **game** of chance, **gaming** table or coin-operated **gambling** machine or device upon any vessel upon any of the waters within the State of Maryland, or upon any pier, wharf, building or other structure of any kind whatsoever which is built upon or over any of the waters of this State and which pier, wharf, building or other structure cannot be entered from the shore of the State of Maryland by a person on foot, and it shall further be unlawful for any person, firm, association or corporation to establish, keep, rent, use or occupy, or knowingly suffer to be established, kept, rented, used or occupied, any vessel upon any of the waters of the State of Maryland, or any pier, wharf, building or other structure of any kind whatsoever which is built upon or over any of the waters of this State and which cannot be entered from the shore of the State of Maryland by a person on foot, for the purpose of conducting, maintaining or operating any **game** of chance, **gaming** table or coin-operated **gambling** machine or device. This section shall prevail despite the issue of any form of license or permit granted through or by any county, municipal corporation or other political subdivision of this State. Any person, firm, association or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than \$200, or more than \$1,000, or imprisonment not to exceed one year for each such violation or may be both fined and imprisoned in the discretion of the court.

(b) Construction. -- Nothing in this section shall be construed to authorize the doing of any act which is otherwise prohibited by **law**.

CREDIT

(1958, ch. 18; 1993, ch. 541; 1994, ch. 3, s 1.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

This section was validly enacted under Md. Const., Article III, s 15, because it was "legislation in the general public welfare," which may, by the terms of Article III, s 15, be considered at an even-year session of the General Assembly. *Miedzinski v. Landman*, 218 Md. 3, 145 A.2d 220 (1958), appeal dismissed, 358 U.S. 644, 79 S. Ct. 537, 3 L. Ed. 2d 567 (1959). (decision prior to amendment of Md. Const., Art. III, s 15 by ch. 161, Acts 1964).

It does not deny equal protection of the **laws**. -- This section does not violate the equal protection clause of the Fourteenth Amendment to the federal Constitution. *Miedzinski v. Landman*, 218 Md. 3, 145 A.2d 220 (1958), appeal dismissed, 358 U.S. 644, 79 S. Ct. 537, 3 L. Ed. 2d 567 (1959).

Code 1957, Art. 27, s 246A  
MD CODE 1957, Art. 27, s 246A  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 256  
Code 1957, Art. 27, s 256

MD CODE 1957, Art. 27, s 256  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
**Gaming**

s 256 Carnivals, **raffles** and **bingo** in Wicomico County.

(a) Sheriff authorized to issue licenses to certain organizations. -- Notwithstanding any other provisions of this subtitle, the Sheriff of Wicomico County is authorized to issue licenses to conduct **games** at which it shall be **lawful** to award prizes in cash or merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, **bingo**, **raffles** or any other **gaming** device.

Organizations eligible for licenses as provided in this section are listed as follows:

(1) A tax-supported volunteer fire company or auxiliary unit of which the members thereof are directly associated with such fire company.

(2) A nationally chartered veterans' organization or auxiliary unit of which the members thereof are directly associated with such organization.

(3) A bona fide religious group which has conducted religious services at a fixed location in Wicomico County for a period of at least three years prior to the application to the Sheriff.

(4) A nonprofit organization desiring to raise money for an exclusively charitable, athletic or educational purpose specifically described in the application to the Sheriff. To qualify under this subsection a nonprofit organization must have been operating as such in Wicomico County for a period of at least three years prior to the application to the Sheriff.

(b) Application for license. -- The application to the Sheriff for the issuance of a license under this section shall contain a certification by one of the principal officers of the organizations stating the following:

(1) The time, place, and type of each **game** for which the license is sought.

(2) That the **games** and **gaming** devices for which the license is sought will be solely and personally conducted, managed and operated by the regular members of the organization without the assistance of professionals and that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting, or assisting in the holding, operating, or conducting of a **game** or **gaming** device.

(3) That the applicant, by one of its principal officers, will, within fifteen days after the last day named in the application for the permit to conduct activities authorized by this section, file a report under penalties of perjury certifying the following facts:

(i) That the authorized activities were conducted at the time and place stated in the application by the regular members of the organization personally without the assistance of professionals;

(ii) The disposition of the cash proceeds of the licensed activities; and  
(iii) That no fee for the rental of premises will be paid by any licensee to itself, to its trustees, to a committee of the licensee or to any organization whose members are the same, or substantially the same, as the licensee.

(c) License fee; license may not authorize **games** on Sunday and to indicate **games** authorized; **raffles**. -- (1) The Sheriff shall charge the applicant a license fee of:

(i) \$1 for each day the event is to be held; and

(ii) \$1 for each **game** intended to be operated, conducted, or held at the event.

(2) A license issued under this section:

(i) May not authorize the conduct of any **games** on Sunday, except as provided in paragraph (3) of this subsection; and

(ii) Shall indicate the **games** authorized to be conducted.

(3) (i) A license issued under this section may authorize the operation of:

1. More than 1 **raffle** at the same time; or

2. A **raffle** on Sunday.

(ii) For purposes of this section, a **raffle** is deemed to be operated on the day the **raffle** winners are selected.

(d) Minors under 16 not to participate in, etc., **game** or **gaming** device. -- No minor under the age of 16 years shall be allowed to play, participate in, conduct or operate any **game** or **gaming** device for which a permit is issued under this section.

(e) Use of coin machines for **gambling** not authorized. -- Nothing herein shall be construed to authorize slot machines or any type of coin machines to be used for **gambling** purposes.

(f) Enforcement of section. -- The Sheriff, municipal police officers and all other prosecuting and peace officers of Wicomico County shall be strictly charged with the enforcement of this section.

(g) Failure of organization to file report or comply with section. -- Any organization refusing to file the report set forth in subsection (b) (3) of this section or failing to comply with the provisions of this section shall forfeit its right to the issuance of any license for the period of one year.

CREDIT

(1957, ch. 843, s 1; 1972, ch. 657; 1976, ch. 194; 1985, ch. 572; 1986, ch. 699; 1987, ch. 3; 1988, ch. 6, s 1; 1991, ch. 577.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

**Bingo** is not a lottery. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Cited in *Kramer v. Bally's Park Place*, 311 Md. 387, 535 A.2d 466 (1988).

Code 1957, Art. 27, s 256

MD CODE 1957, Art. 27, s 256

END OF DOCUMENT

MD BUS REG s 11-805

Code, Business Regulation, s 11-805

ANNOTATED CODE OF MARYLAND  
BUSINESS **REGULATION**.  
TITLE 11. HORSE RACING.  
Subtitle 8. **Pari-Mutuel Betting**.  
Part I. In General.

s 11-805 Telephone **betting**.

(a) System established. -- Except for racing held by the Maryland-National Capital Park and Planning Commission, the Commission may authorize telephone **betting** at any track where racing is authorized.

(b) Breakage and takeout. -- The breakage and takeout on all telephone **betting** shall be computed in the way normally applicable to **pari-mutuel betting** on racing the licensee holds.

CREDIT

(An. Code 1957, art. 78B, ss 11A, 16A; 1992, ch. 4, s 2.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 78B, ss 11A and 16A(g).

In subsection (a) of this section, the reference to the condition that "the Commission may authorize" telephone **betting** is substituted, for brevity, for the former references to the conditions that the Commission "may establish" and a track "may implement" a system of telephone **betting**.

Also in subsection (a) of this section, the phrase "[e]xcept for racing held by the Maryland-National Capital Park and Planning Commission" is substituted for the former phrase "except for ss 11A ... of this article" for clarity. The Maryland-National Capital Park and Planning Commission, licensed under former s 16A, was excluded from being included in the scope of former s 11A, which is now this section. This revision preserves that exclusion. Also in subsection (a) of this section, the former references to "ss ... 12, 30, and 31 of this article" are deleted as unnecessary. These former references in effect excluded the Park and Planning Commission from provisions concerning intertrack **betting** and **betting** on out-of-state races, now ss 11-804 and 11-810 of this subtitle. The references are unnecessary because the authority of the Commission is restricted to granting the Park and Planning Commission licenses for two one-day race meetings at the Prince George's Equestrian Center.

Also in subsection (a) of this section, the former phrase "on any races" is deleted as implicit in the phrase "telephone **betting**".

The Business **Regulation** Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, it is unclear whether the former phrase "a system of **betting** by telephone" means "telephone account **wagering**", which was referred to in former Art. 78B, s 11(a)(2)(ii), now s 11-210 of this title.

Defined Terms:

"Breakage"	s 11-101
"Commission"	s 11-101
"Licensee"	s 11-101
" <b>Pari-mutuel betting</b> "	s 11-101
"Racing"	s 11-101
"Takeout"	s 11-101
"Track"	s 11-101

Telephone **betting regulation** permitting one licensed racetrack to accept **bets** on a race taking place at another track in Maryland was permitted by this section. 72 Op. Att'y Gen. 307 (1987).

Code, Business **Regulation**, s 11-805  
MD BUS **REG** s 11-805  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 261  
Code 1957, Art. 27, s 261

MD CODE 1957, Art. 27, s 261  
TEXT

ARTICLE 27. CRIMES AND PUNISHMENTS.  
I CRIMES AND PUNISHMENTS  
**Gaming**

s 261 Carnivals, **raffles**, **bingo**, etc., in Cecil County.

(a) "**Bingo**" includes instant **bingo**. -- In this section, "**bingo**" includes the **game** of instant **bingo**.

(b) Certain carnivals, **raffles**, **bingo**, etc., permitted. -- Nothing in this subtitle shall be construed to make it unlawful for any volunteer fire company or bona fide fraternal, civic, war veterans, religious or charitable organizations or corporation in Cecil County to conduct or hold a carnival, bazaar, **raffle** or **game** of **bingo**, or other **games** of entertainment for the exclusive benefit of any such volunteer fire company or fraternal, civic, war veterans, religious or charitable organization or corporation, provided that no individual or group of individuals shall benefit financially from the holding of any such bazaar, carnival, **raffle**, or **game** of **bingo**, or shall receive or be paid any of the proceeds from any such carnival, bazaar, **raffle** or **game** of **bingo**, for personal use or benefit. At such carnival, bazaar, **raffle** or **game** of **bingo** it shall be **lawful** to award prizes in cash or in merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, or **bingo**; provided, however, that such carnivals, bazaars, **raffles** or **games** of **bingo** shall be managed by the members of such group, organization or corporation personally through its members.

CREDIT

(1955, ch. 559; 1986, ch. 209.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

**Bingo** is not a lottery. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Cited in *Kramer v. Bally's Park Place*, 311 Md. 387, 535 A.2d 466 (1988).

Code 1957, Art. 27, s 261  
MD CODE 1957, Art. 27, s 261  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 264  
Code 1957, Art. 27, s 264

MD CODE 1957, Art. 27, s 264  
TEXT

## ARTICLE 27. CRIMES AND PUNISHMENTS.

### I CRIMES AND PUNISHMENTS

#### **Gaming**

s 264 Cash seized in **gambling** operations in Baltimore City and certain counties.

(a) Deemed contraband. -- Whenever any money, currency, or cash is seized or captured by any police officer in this State in connection with any arrest for the playing or operation of any bookmaking, **betting** and **wagering** on horses or athletic events, or any lottery, **game**, table, or **gaming** device unlawful under the provisions of this article, all such money, currency, or cash shall be deemed prima facie to be contraband of **law** as a **gambling** device or as a part of a **gambling** operation. All rights, title, and interest in and to such money, currency, or cash seized by the police of the local government, including a local sheriff's department which is the local **law** enforcement agency, shall immediately vest in and to the local governments of the county, municipality, or Baltimore City, or if seized by State authorities, to the State, and no such money, currency, or cash shall be returned to any person claiming the same, or to any other person, except as provided in this section. The Baltimore City police department is not a State authority for the purposes of this section.

(b) Deposited pending trial. -- Pending trial or ultimate disposition of the charge or charges, indictment or indictments, growing out of any arrest in connection with which any such money, currency or cash may have been so seized or captured, the same shall be deposited in an interest-bearing bank account or invested in accordance with Article 95 and accounted for by the county treasurer of the county or the director of finance in Baltimore City, or the municipal treasurer or director of finance of the municipality.

(c) Forfeiture upon conviction. -- (1) If the trial or other ultimate disposition of such charge or charges, indictment or indictments, results in a record of conviction being entered against the person or persons so arrested, in connection with which the money, currency, or cash may have been so seized or captured, the State Treasurer, the county treasurer of the county or director of finance in Baltimore City, or the municipal treasurer or director of finance of the municipality, shall within 90 days from the date of the record of the entry of such conviction, unless the case is appealed to an appellate court, make application to the District Court or circuit court of the county, for an order declaring and ordering that such money, currency or cash in the custody of the State Treasurer, director of finance, or county or municipal treasurer shall be forfeited to the sole use and gain of the State, county or city. The court to



which any such application has been directed shall establish to its satisfaction that there is no pending and undetermined suit or proceeding which has been filed in any court of competent jurisdiction, against the director of finance or treasurer or the municipal treasurer or director of finance of the municipality, seeking a return or recovery of the money, currency or cash so held in custody, before the court shall proceed so to order a forfeiture of such money, currency or cash to the State, county or Baltimore City.

(2) All applications for the forfeiture of contraband shall be by petition and a copy of the petition and show cause order shall be served in the first instance in accordance with the Maryland Rules.

(d) Application for return of seized money. -- (1) Upon the ultimate disposition of such charge or charges, indictment or indictments, resulting in acquittal, dismissal, a stet, a nolle prosequi, or probation under the provisions of s 641, any person claiming that all or any of the seized money, currency, or cash is not contraband of law under subsection (a) of this section and should be returned to the claimant, within one year after the date the judgment or order was entered or the action was taken which constituted the ultimate disposition, may make application on giving ten days' prior written notice to the State Treasurer, custodian, county or municipal treasurer, or director of finance, to the appropriate court for a determination that the money, currency, or cash is the property of the claimant and for an order that it be returned.

(2) In a proceeding upon that application an acquittal, a dismissal, or a nolle prosequi with respect to the **gambling** charges or indictments involved in the seizure of the money, cash, or currency is prima facie evidence that it is not contraband. A conviction, plea of guilty or of nolo contendere, and probation under the provisions of s 641 is prima facie evidence that it is contraband. No presumption in the proceeding shall attach to an entry of stet.

(3) If a petition is not timely and properly filed, or if it is finally decided against the claimant, the seized moneys not disposed of shall be forfeited to the custodian without further judicial action.

(4) Timely notice must be given by certified mail or other appropriate means to any known claimants, at their last known address, of the requirements of this section for making claim for the return of seized moneys, or the seized moneys shall not be forfeited as provided by paragraph (3) of this subsection.

(e) Definitions; immediate return of seized property. -- (1) In this section the following words have the meanings indicated.

(2) "Ultimate disposition" of charges and of indictments includes acquittal, dismissal, guilty, probation prior to judgment, pleas of guilty and of nolo contendere, a stet, a nolle prosequi, and termination of the criminal proceedings pursuant to appeal.

(3) "Record of conviction" includes pleas of guilty and of nolo contendere.

(4) This section does not prohibit the trial judge after an acquittal or dismissal from ordering immediate return of all property seized.

(f) Contraband in custody of clerk of Circuit Court for Anne Arundel County. -- Repealed.

CREDIT

(An. Code, 1951, s 330; 1951, ch. 299, s 307A; 1965, chs. 353, 884; 1966, chs. 144, 192; 1967, ch. 520; 1972, ch. 562; 1974, ch. 666; 1975, ch. 219; 1977, chs. 418, 720; 1978, ch. 146; 1979, chs. 123, 334; 1982, ch. 820, s 1; 1985, chs. 429, 617; 1986, ch. 5, s 1; 1988, ch. 6, s 1; 1989, ch. 5, s 1; 1993, ch. 5, s 1.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

Maryland Law Review. -- For article, "Survey of Developments in Maryland Law, 1983-84," see 44 Md. L. Rev. 511 (1985).

This section provides a custodial vehicle. United States v. Mayor of Baltimore, 564 F.2d 1066 (4th Cir. 1977).

This section requires that forfeiture be preceded by a criminal conviction. Gatewood v. State, 264 Md. 301, 285 A.2d 623 (1972); Gatewood v. State, 15 Md. App. 314, 290 A.2d 551 (1972).

The conviction takes on particular significance in the Maryland statutory scheme. Until conviction, forfeiture is not possible; after conviction, forfeiture proceeding merely perfects the prior passage of title. United States v. Mayor of Baltimore, 416 F. Supp. 380 (D. Md. 1976), modified on other grounds, 564 F.2d 1066 (4th Cir. 1977).

The forfeiture of moneys used for illegal **gambling** activities seized in connection with an arrest occurs upon conviction of the person from whom the money was taken. The purpose of this requirement appears to be fairness to the accused. United States v. Mayor of Baltimore, 416 F. Supp. 380 (D. Md. 1976), modified on other grounds, 564 F.2d 1066 (4th Cir. 1977), modified on other grounds, 564 F.2d 1066 (4th Cir. 1977).

However, it does not make forfeiture an adjunct of the criminal case. Gatewood v. State, 264 Md. 301, 285 A.2d 623 (1972); Gatewood v. State, 15 Md. App. 314, 290 A.2d 551 (1972).

Forfeiture is a civil in rem proceeding unless otherwise specifically provided by statute. Gatewood v. State, 264 Md. 301, 285 A.2d 623 (1972); Gatewood v. State, 15 Md. App. 314, 290 A.2d 551 (1972).

The proceeding to determine whether the money shall be forfeited or returned to its claimant is a civil in rem proceeding where the money itself is the thing proceeded against and which is unconnected with any criminal proceeding except for statutory presumptions raised by the criminal proceeding. The standard of proof, therefore, is the preponderance of the evidence standard. Director of Fin. v. Cole, 296 Md. 607, 465 A.2d 450 (1983).

Application of subsection (a). -- Subsection (a) of this section is directed to a seizure of money at a place where **gambling** is occurring and not to a seizure at a place where **gaming** devices are stored, repaired, refitted, refurbished or offered for sale. State v. One Hundred & Fifty-Eight **Gaming** Devices, 59 Md. App. 44, 474 A.2d 545 (1984), modified on other grounds, 304 Md. 404, 499 A.2d 940 (1985).

Section does not constitute a general forfeiture statute wherein, upon seizure of an article such as money seized in a gambling raid, title is immediately divested from the possessor of the article and vested instead in the seizing authority. United States v. Mayor of Baltimore, 564 F.2d 1066 (4th Cir. 1977).

Subsection (c) includes appropriate court of Baltimore City. -- Baltimore City, apparently through inadvertence, is not specifically mentioned in

subsection (c) of this section, where it says "make application to the circuit court of the county." This omission is of no consequence, as it is clear that subsection (c) is also intended to include the appropriate court of Baltimore City. *Gatewood v. State*, 264 Md. 301, 285 A.2d 623 (1972).

Criminal Court of Baltimore lacks jurisdiction. -- Testimony given by a defendant in a forfeiture hearing conducted in the Criminal Court of Baltimore, though under oath, wilfully false and material, could not constitute perjury, as that court lacked jurisdiction of the subject matter. *Gatewood v. State*, 15 Md. App. 314, 290 A.2d 551 (1972).

Transfer of rights to seized goods takes place at moment seizure occurs. At this time the money is prima facie contraband and belongs to the jurisdiction whose authorities consummate the seizure. Throughout the pendency of criminal proceedings, the character and status of the money seized does not change. *Director of Fin. v. Cole*, 296 Md. 607, 465 A.2d 450 (1983).

Distinction drawn between forfeitures. -- The General Assembly drew a sharp distinction between forfeitures in gambling cases under this section and forfeitures in controlled dangerous substances matters under s 297 of this article. *Bozman v. Office of Fin.*, 52 Md. App. 1, 445 A.2d 1073 (1982), *aff'd*, 296 Md. 492, 463 A.2d 832 (1983).

Transfer of ownership does not occur only after formal decree. -- This section does not mean that the transfer of ownership of seized money occurs only after a formal decree of forfeiture. *United States v. Mayor of Baltimore*, 416 F. Supp. 380 (D. Md. 1976), modified on other grounds, 564 F.2d 1066 (4th Cir. 1977), modified on other grounds, 564 F.2d 1066 (4th Cir. 1977).

Filing of petition to claim forfeiture required. -- The General Assembly has mandated that the right to institute a proceeding for the forfeiture of seized contraband has as a condition precedent that the petition be filed within the 90-day period set out in this section. *United States Coin & Currency in Amount of \$21,162.00 v. Director of Fin.*, 279 Md. 185, 367 A.2d 1243 (1977).

Under subsection (d) of this section the claimant does not become entitled to the money merely because the governmental entity fails to file for forfeiture within 90 days. The claimant still must apply for its return and he must do so within one year after the date of the judgment of conviction. He then must also overcome the presumption that the money is contraband. Failing either condition, subsection (d) (3) of this section would forfeit the seized money to the custodian. *Director of Fin. v. Cole*, 296 Md. 607, 465 A.2d 450 (1983).

And intention to claim forfeiture will not act as substitute for actual filing. -- Where the appellee indicated an intention within the 90-day period to claim a forfeiture, such an intention, no matter how manifested by the governmental agency, will not act as an effective substitute for the actual filing of a petition. *United States Coin & Currency in Amount of \$21,162.00 v. Director of Fin.*, 279 Md. 185, 367 A.2d 1243 (1977).

Subsection (d) of this section in effect acts as statute of limitations. *Director of Fin. v. Cole*, 296 Md. 607, 465 A.2d 450 (1983).

Section does not set time limit after which application for forfeiture will

not be permitted following a conviction. United States v. Mayor of Baltimore, 564 F.2d 1066 (4th Cir. 1977).

Applicability of subsection (e) (4). -- Subsection (e) (4) of this section applies only where there has been "an acquittal or dismissal"; these terms refer to actions taken by the trial court terminating the proceedings favorably to the accused. Director of Fin. v. Cole, 296 Md. 607, 465 A.2d 450 (1983).

Application of s 551 of this article preempted. -- Since subsection (a) of this section provides that no money shall be returned to any person except as provided in this section, this clearly preempts any application of s 551 of this article, a general search and seizure statute, unless it is used in concert with subsection (e) (4) of this section. Director of Fin. v. Cole, 296 Md. 607, 465 A.2d 450 (1983).

Applied in Office of Fin. v. Previti, 296 Md. 512, 463 A.2d 842 (1983).

Quoted in In re James S., 286 Md. 702, 410 A.2d 586 (1980); Director, Office of Fin. v. Lapenotiere, 77 Md. App. 372, 550 A.2d 433 (1988); Vieira v. Prince George's County, 101 Md. App. 220, 645 A.2d 639 (1994), aff'd, 340 Md. 651, 667 A.2d 898 (1995); Thompson v. Grindle, 113 Md. App. 477, 688 A.2d 466 (1997).

Stated in Prince George's County v. Vieira, 340 Md. 651, 667 A.2d 898 (1995).

Cited in United States v. 46 Gambling Devices, 138 F. Supp. 896 (D. Md. 1956); Moss v. Director, Patuxent Inst., 279 Md. 561, 369 A.2d 1011 (1977).

Code 1957, Art. 27, s 264  
MD CODE 1957, Art. 27, s 264  
END OF DOCUMENT

MD CODE 1957, Art. 27, s 253A  
Code 1957, Art. 27, s 253A

MD CODE 1957, Art. 27, s 253A  
TEXT

## ARTICLE 27. CRIMES AND PUNISHMENTS.

### I CRIMES AND PUNISHMENTS

#### **Gaming**

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Current through End of 1998 Reg. Sess.

s 253A **Bingo** or **raffles** in Charles County.

(a) Definitions. -- (1) In this section the following words have the meanings indicated.

(2) "Board" means the Charles County **Gaming** Permit Review Board.

(3) "County" means Charles County.

(4) "Fund-raising organization" means a bona fide fraternal, civic, war veterans', religious, charitable organization, volunteer fire company, rescue squad, or ambulance company. A fund-raising organization need not be incorporated.

(5) (i) **"Gaming device"** includes paddle wheels, wheels of fortune, chance books, and any mechanism for playing a **game** of chance.

(ii) **"Gaming device"** does not include **bingo**, slot machines, or other devices that are otherwise **regulated** by State law.

(6) (i) **"Gaming event"** includes:

1. A carnival;

2. A bazaar;

3. A **raffle** involving prizes of cash of more than \$1,000 or merchandise with a cash equivalent of more than \$1,000; or

4. Any event involving a **game** of chance.

(ii) **"Gaming event"** does not include **bingo**.

(7) **"Gaming permit"** means a permit for operation of a **gaming** device at a **gaming** event issued by the County Commissioners in accordance with this section.

(8) **"Person"** includes an individual, corporation, partnership, trust, firm, estate, association, joint interest held by 2 or more persons, and any other legal or commercial entity.

(9) **"Representative"** means a bona fide member of a fund-raising organization for at least 1 year prior to the date of a **gaming** permit application.

(b) Application of section. -- This section applies to **bingo** and **gaming** events in the county.

(c) Additional powers of County Commissioners. -- In addition to any powers conferred by State law, the County Commissioners may:

(1) Designate the types of **gaming** devices which may be operated in the county;

(2) Set fees for **gaming** permits issued under this section;

(3) Set salaries and funding for the Board, the Board's legal counsel, and support staff;

(4) Approve or disapprove **gaming** permit applications;

(5) Investigate persons involved in **gaming** events and examine records of fund-raising organizations with respect to **gaming** events;

(6) Delegate its duties and powers under this section to the Board; and

(7) Adopt **regulations** to further the purposes of this section.

(d) Permit review board. -- (1) There is a Charles County **Gaming** Permit Review Board.

(2) (i) The Board consists of 7 members.

(ii) Of the 7 members of the Board:

1. 1 shall be a member of the county sheriff's office;

2. 1 shall be a member of the Department of State Police;

3. 1 shall be a member of the clergy;

4. 1 shall be a member of a fund-raising organization in the county;

5. 1 shall be an individual with background and experience in the field of finance; and

6. 2 shall be members at large.

(iii) Each member of the Board shall be a resident of the county.

(iv) Each member at large:

1. Shall be a member of the general public;

2. May not be a member of a fund-raising organization or otherwise be subject to regulation by the Board;

3. May not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Board; and

4. May not, while a member of the Board, have a financial interest in or receive compensation from a person regulated by the Board.

(v) The Board shall select a chairman from among its members, to serve a term as the Board may determine.

(3) (i) The term of a member is 4 years.  
(ii) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1989.  
(iii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.  
(iv) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.  
(4) In addition to any powers set forth elsewhere, the Board may:  
(i) Recommend to the County Commissioners the types of gaming devices which may be operated in the county;  
(ii) Recommend approval or disapproval of a gaming permit to the County Commissioners; and  
(iii) Recommend modifications of the county gaming regulations and procedures to the County Commissioners.  
(5) In addition to any duties set out elsewhere, the Board shall:  
(i) Review gaming permit applications at least quarterly;  
(ii) Review gaming regulations and permit procedures;  
(iii) Keep a list of all approved lessors of gaming devices and premises for gaming events;  
(iv) Keep a record of all gaming permits reviewed; and  
(v) Undertake such other duties regarding gaming regulation as the County Commissioners may delegate to the Board.  
(6) The County Commissioners shall provide for the Board a clerk, legal counsel, supplies, and funding as the Commissioners deem appropriate.  
(7) The Board members may be paid salaries in the discretion of the County Commissioners.  
(e) Events allowed only as permitted. -- Except as otherwise provided in this section, a person may not conduct a **bingo** or **gaming** event in the county.  
(f) **Regulations** permitted. -- Nothing in this section restricts the authority for the County Commissioners to adopt **regulations** concerning amusements and entertainments under Chapter 4 of the Code of Public Local **Laws** of Charles County or any other provision of State **law**.  
(g) **Bingo games; conditions.** -- (1) A fund-raising organization or educational organization may conduct a **game** of **bingo** either for the benefit of charity in the county or in furtherance of the purposes of the organization.  
(2) Subject to the provisions of paragraphs (3) and (4) of this subsection, a fund-raising organization or educational organization may award prizes in cash or merchandise in a bingo game.  
(3) A fund-raising organization or educational organization may not award a cash prize in excess of \$1,000 to any player in a bingo game.  
(4) The total amount of cash awarded as prize money may not exceed \$3,500 on any given day of operation.  
(5) Bingo games may not be conducted at 1 location more than:  
(i) 4 days in a 7-day period; or  
(ii) 3 consecutive days.  
(h) Gaming events; conditions. -- (1) A gaming event may be conducted only by a fund-raising organization located in the county:  
(i) For at least 5 years prior to filing a gaming permit application; or  
(ii) Prior to January 1, 1988.  
(2) A fund-raising organization shall submit to the Board an application for a gaming permit for each gaming event.  
(3) (i) In order to obtain a gaming permit, a fund-raising organization shall submit an application to the Board at least 30 days before the first day of the

calendar quarter in which the gaming event is to be held, together with the application fee.

(ii) The application shall contain the following:

1. The name of the fund-raising organization;
2. A statement that the fund-raising organization qualifies to conduct a gaming event under this section;
3. The dates, times, and location of the gaming event;
4. The name, address, and telephone number of the representative responsible for the gaming event;
5. A list of the current membership of the fund-raising organization, including names, ages, and addresses;
6. A statement that no agreement exists for the division of any portion of the proceeds of the gaming event with any other person, and a further statement that no person other than the fund-raising organization or a representative of the fund-raising organization may receive any portion of the proceeds of the gaming event except in furtherance of the purposes of the fund-raising organization; and
7. Any other information which the Board deems necessary or helpful to its review.

(iii) The application shall be signed and verified under the penalties of perjury by a principal officer of the fund-raising organization.

(iv) The County Commissioners may set a reasonable fee for submission of a gaming permit application.

(v) The Board shall:

1. Review the gaming permit applications for a calendar quarter within 10 days after the application deadline set in subparagraph (i) of this paragraph;
2. Recommend approval or disapproval of each application; and
3. Promptly forward the applications and recommendations to the County Commissioners.

(vi) The County Commissioners shall:

1. Review the applications and recommendations;
2. Approve or disapprove each application within 15 days after the application deadline set in subparagraph (i) of this paragraph;
3. Promptly notify each applicant of their action on the application; and
4. Issue a gaming permit for each approved application.

(vii) The gaming permit shall include:

1. The name of the fund-raising organization;
  2. The nature of the approved gaming event;
  3. The dates, times, and location of the approved gaming event;
  4. The gaming devices to be operated at the gaming event; and
  5. The name of the representative responsible for the approved gaming event.
- (viii) Nothing in this paragraph may prevent the Board or the County Commissioners from reviewing gaming permit applications more frequently or earlier than required by this paragraph.

(4) (i) A gaming event may be conducted only in accordance with this section.

(ii) A gaming device may only be managed or operated by a representative of the fund-raising organization named in the gaming permit for the gaming event. No professional gaming operator may manage, operate, or assist in the management operation of a gaming device.

(iii) A person may not receive any commission, salary, reward, tip, or compensation of any sort for managing or operating a gaming device at a gaming event.

(iv) An individual under the age of 18 years may not participate in a gaming

event.

(v) A fund-raising organization may only lease gaming devices or premises for a gaming event from a fund-raising organization approved by the Board.

(vi) A lease agreement of gaming devices or premises for a gaming event shall be priced on the basis of fair market value of the equipment or premises. A lease agreement may not include any provision for sharing profit from a gaming event with a lessor or any provision which may reasonably be interpreted to provide for sharing profit from a gaming event.

(vii) A fund-raising organization may not conduct more than 3 gaming events during a calendar quarter.

(viii) 1. A fund-raising organization may not conduct a gaming event under a single gaming permit for a period greater than 48 hours.

2. The actual gaming time may not exceed 24 hours in that 48-hour period, which may be divided into not more than 2 separate gaming periods.

3. Notwithstanding the provisions of item 1 of this subparagraph, a fund-raising organization conducting a gaming event at the Charles County Fair in conjunction with the Charles County Fair Board may conduct the gaming event under a single gaming permit for more than 48 hours, subject to regulations adopted by the County Commissioners on recommendation of the Board.

(5) (i) A fund-raising organization that has conducted a gaming event shall submit a report to the Board within 30 days after the end of the calendar quarter in which the gaming event was conducted.

(ii) The report shall contain the following:

1. The name of the fund-raising organization;

2. The number of the gaming permit;

3. The date of the gaming event;

4. The date, amount, nature, source, and recipient of each receipt and expenditure associated with the gaming event, in a format prescribed by the Board;

5. A separate list of the date, amount, and recipient of all charitable donations from the proceeds;

6. The names, ages, addresses, and dates of membership of each representative who managed, operated, or assisted in the operation of a gaming device at the gaming event;

7. A statement that each listed representative qualified as a representative under subsection (a) (9) of this section at the time of the gaming event;

8. A statement that no agreement exists or existed for the division of any portion of the proceeds of a gaming event with any other person, and a further statement that no person other than the fund-raising organization or a representative of the fund-raising organization has received or will receive any portion of the proceeds of the gaming event, except in furtherance of the purposes of the fund-raising organization; and

9. Any other information that the Board deems necessary or helpful.

(iii) The report shall be signed and verified under the penalties of perjury by a principal officer of the fund-raising organization.

(6) A fund-raising organization that conducts a gaming event shall maintain accurate records of all transactions concerning the gaming event, and shall keep the records available for examination by the Board and the County Commissioners for 3 years after the gaming event.

(i) Representatives of organization to conduct game. -- A fund-raising organization may only conduct a bingo or gaming event using its representatives to manage or operate gaming devices.

(j) Proceeds. -- No portion of the proceeds of a bingo or gaming event may:



(1) Inure to the benefit of a person other than the fund-raising or educational organization which conducts the bingo or gaming event; or

(2) Be divided with a person other than the fund-raising or educational organization, except in furtherance of the purposes of the fund-raising or educational organization.

(k) Donations to county fair board. -- Notwithstanding any other provision of this section, a fund-raising or educational organization may donate a portion of the proceeds of a bingo or gaming event at the Charles County Fair to the Charles County Fair Board.

(l) Violation as misdemeanor; penalty. -- A person who violates any provision of this section is guilty of a misdemeanor, and on conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

(m) Additional penalty. -- In addition to any other penalty, a person who violates any provision of this section is ineligible to obtain a gaming permit for a period of 3 years after the date of the violation.

CREDIT

(1989, ch. 558; 1990, ch. 230; 1994, ch. 165, s 3; ch. 166, s 3; 1995, ch. 3, s 2.)

<General Materials (GM) - References, Annotations, or Tables>

#### NOTES, REFERENCES, AND ANNOTATIONS

Effect of Amendments. -- The 1995 amendment, approved Mar. 7, 1995, and effective from date of enactment, substituted "Department of State Police" for "Maryland State Police" in (d) (2) (ii) 2.

Editor's Note. -- Chapter 558, Acts 1989, effective July 1, 1989, repealed former s 253A and enacted a new section in lieu thereof.

Section 2 of ch. 558 provides that "the terms of the initial members of the Charles County **Gaming** Permit Review Board shall expire as follows:

- (1) 3 members in 1992;
- (2) 2 members in 1991; and
- (3) 2 members in 1990."

**Bingo** is not a lottery. *Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

Section does not include limitation that the conducting of **bingo games** or **raffles** in Charles County be on a nonrecurring basis. 61 Op. Att'y Gen. 315 (1976).

Code 1957, Art. 27, s 253A  
MD CODE 1957, Art. 27, s 253A  
END OF DOCUMENT

MD BUS REG s 11-804  
Code, Business Regulation, s 11-804

TEXT

BUSINESS **REGULATION**.  
TITLE 11. HORSE RACING.

Subtitle 8. **Pari-Mutuel Betting.**  
Part I. In General.

s 11-804 **Betting** on out-of-state races.

(a) Construction of section. -- The intent of this section is similar to that of the Interstate Horseracing Act of 1978, 15 U.S.C. ss 3001 through 3007.

(b) **Betting** on out-of-state races allowed. -- If the Commission approves, a licensee may contract to hold **pari-mutuel betting** on a race that is held at an out-of-state track where **betting** on racing is **lawful**.

(c) Time and place of **pari-mutuel betting**. -- **Pari-mutuel betting** under this section may only occur:

(1) on a racing day when the Commission has authorized the licensee to hold racing; and

(2) (i) at the track of the licensee;

(ii) at any track where **pari-mutuel betting** on races on the racing program of the licensee for that day is authorized; or

(iii) at a satellite simulcast facility.

(d) Computation of breakage and takeout. -- (1) The breakage and takeout for **pari-mutuel betting** under this section shall be computed in the way normally applicable to **pari-mutuel betting** on racing the licensee holds.

(2) From the takeout the licensee shall deduct:

(i) the State tax on all mutuel pools;

(ii) the amount to be paid under the contract to the out-of-state track; and

(iii) the cost of transmission.

(3) The licensee shall then allocate the rest of the takeout in the way applicable to the racing that the licensee holds.

(e) Contract subject to approval. -- A contract with an out-of-state track under this section is subject to the approval of the group that represents a majority of the owners and trainers who race horses at that track and the group that represents a majority of the applicable breeders in this State.

CREDIT

(An. Code 1957, art. 78B, s 31; 1992, ch. 4, s 2; ch. 473, s 2.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

SPECIAL REVISOR'S NOTE

As enacted by Ch. 4, Acts of 1992, this section was new language derived without substantive change from former Art. 78B, s 31. However, Ch. 473, Acts of 1992, deleted the requirement in subsection (b) that a race be of national or local significance with a purse that exceeds \$50,000. Ch. 421 also added the reference to a satellite simulcast facility in subsection (c)(2)(iii) of this section.

In subsection (e) of this section, Ch. 4 added the word "horses" for clarity.

Also in subsection (e) of this section, Ch. 4 substituted the phrase "owners and trainers" for the former word "horsemen" for clarity.

Also in subsection (e) of this section, Ch. 4 deleted the former phrase "terms and conditions" as implicit in the word "contract".

Defined Terms:

"Breakage"	s 11-101
"Commission"	s 11-101
"Licensee"	s 11-101
"Mutuel pool"	s 11-101
<b>"Pari-mutuel betting"</b>	s 11-101
"Purse"	s 11-101
"Racing"	s 11-101
"Takeout"	s 11-101
"Track"	s 11-101

Editor's Note. -- This section is set forth above as amended by ch. 473, Acts 1992.

Section 4, ch. 473, Acts 1992, provides that "[s 2 of] this Act shall take effect October 1, 1992, contingent on the taking effect of Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 1992. However, if Chapter \_\_\_\_ (S.B. 1) does not become effective, then s 2 of this Act shall not take effect and shall be null and void without the necessity of further action by the General Assembly." Senate Bill 1 was enacted as ch. 4, Acts 1992.

Interstate cross-breed simulcasting. -- Until the General Assembly revisits the matter, current **law** does not prohibit interstate cross-breed simulcasting; in exercising its supervisory power, however, the Racing Commission should give the General Assembly the opportunity to do just that. The Commission should not grant broad or unrestricted approval of cross-breed simulcasting, pending consideration of the issue in the next session of the General Assembly. 82 Op. Att'y Gen. (September 8, 1997).

Code, Business **Regulation**, s 11-804  
MD BUS **REG** s 11-804  
END OF DOCUMENT

MD BUS REG s 11-815  
Code, Business Regulation, s 11-815

TEXT

BUSINESS **REGULATION**.

TITLE 11. HORSE RACING.

Subtitle 8. **Pari-Mutuel Betting**.

Part III. Satellite Simulcast **Betting**.

s 11-815 Definitions.

(a) In general. -- In this part the following words have the meanings indicated.

(b) Permit. -- "Permit" means a permit granted under this part to hold satellite simulcast **betting**.

(c) Satellite simulcast **betting**. -- "Satellite simulcast **betting**" means:

(1) **pari-mutuel betting** at a satellite simulcast facility in the State on a race that is simulcast from a sending track by a mile thoroughbred racing licensee, a harness racing licensee, or the State Fair Society; and

(2) transmission of the **pari-mutuel** information **regarding bets** at the satellite simulcast facility to the sending track.

CREDIT

(1992, ch. 473, s 2; 1994, chs. 513, 751.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

SPECIAL REVISOR'S NOTE

Chapter 473, Acts of 1992, added this section.

Defined Terms:

"Licensee"	s 11-101
"Sending track"	s 11-101

Editor's Note. -- Section 4, ch. 473, Acts 1992, provides that "[s 2 of] this Act shall take effect October 1, 1992, contingent on the taking effect of Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 1992. However, if Chapter \_\_\_\_ (S.B. 1) does not become effective, then s 2 of this Act shall not take effect and shall be null and void without the necessity of further action by the General Assembly." Senate Bill 1 was enacted as ch. 4, Acts 1992.

Code, Business **Regulation**, s 11-815  
MD BUS **REG** s 11-815  
END OF DOCUMENT

MD BUS REG s 11-828  
Code, Business Regulation, s 11-828

TEXT

BUSINESS **REGULATION**.  
TITLE 11. HORSE RACING.  
Subtitle 8. **Pari-Mutuel Betting**.  
Part III. Satellite Simulcast **Betting**.

s 11-828 **Pari-mutuel** information.

(a) To be sent to sending track. -- A satellite simulcast facility shall transmit directly to the sending track all **pari-mutuel** information about the money **bet** at the satellite simulcast facility.

(b) Incorporation of information. -- A sending track shall incorporate this information with information on **pari-mutuel betting** at the sending track.  
CREDIT

(1992, ch. 473, s 2.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

SPECIAL REVISOR'S NOTE

Chapter 473, Acts of 1992, added this section.

Defined Terms:

**"Pari-mutuel betting"**

s 11-101

"Sending track"

s 11-101

Code, Business **Regulation**, s 11-828

MD BUS **REG** s 11-828

END OF DOCUMENT